

By: Senator(s) Moran

To: Gaming; Finance

SENATE BILL NO. 2732

1 AN ACT TO CREATE THE MISSISSIPPI MOBILE SPORTS POOL AND RACE  
 2 BOOK WAGERING ACT; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE FOR  
 3 LICENSING; TO ESTABLISH THE MEANS OF OPERATION; TO SET FORTH A  
 4 METHOD OF TAXATION; TO AMEND SECTION 75-76-5, MISSISSIPPI CODE OF  
 5 1972, TO REVISE THE GAMING CONTROL ACT DEFINITIONS OF "ASSOCIATED  
 6 EQUIPMENT," "GAMING DEVICE" AND "SPORTS POOL"; TO DEFINE "DIGITAL  
 7 PLATFORM" AS THE OPERATION OF A SPORTS POOL OR RACE BOOK OVER THE  
 8 INTERNET, INCLUDING ON WEBSITES AND MOBILE DEVICES, BY THE HOLDER  
 9 OF A GAMING LICENSE OR BY AN OPERATOR ON BEHALF OF THE HOLDER OF A  
 10 GAMING LICENSE; TO DEFINE "OPERATOR" AS AN ENTITY LICENSED AS A  
 11 MANUFACTURER AND DISTRIBUTOR AND AUTHORIZED TO OPERATE A DIGITAL  
 12 PLATFORM ON BEHALF OF THE HOLDER OF A GAMING LICENSE; TO AMEND  
 13 SECTIONS 75-76-33, 75-76-55, 75-76-79, 75-76-89, 75-76-101 AND  
 14 75-76-175, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF  
 15 DIGITAL PLATFORMS; TO AMEND SECTION 75-76-177, MISSISSIPPI CODE OF  
 16 1972, TO REVISE THE GAMING LICENSE FEES IN REGARDS TO PLATFORM  
 17 GROSS REVENUES; TO AMEND SECTION 97-33-305, MISSISSIPPI CODE OF  
 18 1972, TO REVISE THE FANTASY CONTEST ACT TO DELETE THE PROHIBITION  
 19 ON OPERATORS OFFERING CONTESTS BASED ON THE PERFORMANCE OF  
 20 PARTICIPANTS IN COLLEGIATE SPORTS EVENTS; AND FOR RELATED  
 21 PURPOSES.

22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

23 **SECTION 1.** This act shall be known as the "Mississippi  
 24 Mobile Sports Pool and Race Book Wagering Act," and the following  
 25 sections shall be codified in Section 97-33-401 et seq.,  
 26 Mississippi Code of 1972.



27           **SECTION 2.** The following terms shall have the meanings  
28 ascribed herein:

29           (a) "Commission" means the Mississippi Gaming  
30 Commission created in Section 75-76-7.

31           (b) "Confidential information" means information  
32 related to the operation of an online sports pool by online sports  
33 pool players or the operation of an online race book by online  
34 race book players obtained as a result of or by virtue of a  
35 person's employment.

36           (c) "Executive director" means the Executive Director  
37 of the Mississippi Gaming Commission.

38           (d) "Gaming" means to deal, operate, carry on, maintain  
39 or expose for play any game as defined in Section 75-76-5(k),  
40 including any game approved by the commission.

41           (e) "Gaming license" means any license issued by the  
42 commission pursuant to the Mississippi Gaming Control Act which  
43 authorizes the person named therein to engage in gaming.

44           (f) "Gross revenue" means that term as defined in  
45 Section 75-76-5(p).

46           (g) "Internet" means that term as defined in Section  
47 230 of Title II of the Communications Act of 1934, Chapter 652,  
48 110 Stat. 137, 47 USCS 230.

49           (h) "Licensed establishment" means any premises  
50 licensed pursuant to the provisions of the Mississippi Gaming  
51 Control Act wherein or whereon gaming is conducted.



52 (i) "Online race book" means a race book operation in  
53 which wagers are made over the internet, including websites and  
54 mobile or interactive devices, and accepted by a platform on  
55 behalf of the holder of a gaming license.

56 (j) "Online sports pool" means a sports wagering  
57 operation in which wagers on collegiate or professional sporting  
58 events or athletic events are made over the internet, including on  
59 websites and mobile or interactive devices, and accepted by a  
60 platform on behalf of the holder of a gaming license.

61 (k) "Platform" means a person or entity that operates  
62 an online sports pool or online race book on behalf of the holder  
63 of a gaming license. Notwithstanding any provision of law to the  
64 contrary, a platform may determine whether to accept or reject  
65 wagers, determine the results of wagers, and payout winning  
66 wagers.

67 (l) "Race book" means the business of accepting wagers  
68 upon the outcome of any event held at a track which uses the  
69 parimutuel system of wagering.

70 (m) "Sports pool" means the business of accepting  
71 wagers on collegiate or professional sporting events or athletic  
72 events, by any system of wagering other than the system known as  
73 the "parimutuel system of wagering." The term includes, but is  
74 not limited to, single-game bets, teaser bets, parlays,  
75 over-under, moneyline, pools, exchange wagering, in-game wagering,



76 in-play bets, proposition bets, and straight bets. The term does  
77 not include fantasy contests as defined in Section 97-33-303.

78 **SECTION 3.** (1) A platform that operates an online sports  
79 pool or online race book on behalf of the holder of a gaming  
80 license in this state must obtain a manufacturer's and  
81 distributor's license from the commission.

82 (2) A platform that operates an online sports pool or online  
83 race book on behalf of the holder of a gaming license in this  
84 state must be lawfully conducting business in this state.

85 (3) Application for licensure shall be made to the executive  
86 director on forms furnished by the executive director and in  
87 accordance with the commission's regulations regarding  
88 manufacturer's and distributor's licenses.

89 (4) The commission shall, from time to time, adopt, amend or  
90 repeal such regulations, consistent with the policy, objects and  
91 purposes of this act, as it may deem necessary or desirable in the  
92 public interest in carrying out the policy and provisions of this  
93 act. The commission shall comply with the Mississippi  
94 Administrative Procedures Law when adopting, amending or repealing  
95 any regulations authorized under this section or under any other  
96 provision of this act.

97 **SECTION 4.** (1) A platform may accept on behalf of the  
98 holder of a gaming license in this state wagers placed over the  
99 internet, including on websites and mobile or interactive devices,  
100 from a player located in Mississippi, subject to the following:



101           (a) All players shall establish a wagering account and  
102 an initial verification must be conducted before any wager may be  
103 accepted by a player. A player may establish a wagering account  
104 with a platform in person at a licensed establishment or over the  
105 internet, including on websites and mobile or interactive devices.

106           (b) A platform shall accept on behalf of the holder of  
107 a gaming license in this state wagers only from players located in  
108 Mississippi. A platform shall maintain geofencing or geolocating  
109 services and bear all costs and responsibilities as required by  
110 the commission.

111           (c) A platform shall take all reasonable measures to  
112 prevent the sharing of confidential information with third parties  
113 that could affect the outcome of wagers until the information is  
114 made publicly available.

115           (d) A person under the age of twenty-one (21) years  
116 shall not play, be allowed to play, place wagers, or collect  
117 winnings, whether personally or through an agent, from any gaming  
118 or wagers authorized under this act.

119           (e) A platform shall comply with all identification  
120 verification and compulsive and problem gambling verifications and  
121 protections set forth in law or rule.

122           (2) Subject to the regulations of the commission, a platform  
123 shall report to the commission:



124 (a) Any criminal proceeding commenced against the  
125 platform or its employees in connection with the platform's  
126 operations in Mississippi.

127 (b) Any abnormal betting activity or patterns that may  
128 indicate a concern about the integrity of a sporting event or  
129 athletic event.

130 (c) Any other conduct with the potential to corrupt the  
131 betting outcome of a sporting event or athletic event for  
132 financial gain, including, but not limited to, match fixing.

133 (d) Suspicious or illegal wagering activities,  
134 including the use of funds derived from illegal activity, wagers  
135 to conceal or launder funds derived from illegal activity, use of  
136 agents to place wagers, or use of false identification.

137 (3) A dispute over winnings with respect to an online race  
138 book or online sports pool shall be resolved under the procedures  
139 set forth in Sections 75-76-157 through 75-76-173.

140 **SECTION 5.** Gross revenue from an online race book or an  
141 online sports pool affiliated with and operating on behalf of the  
142 holder of a gaming license shall be subject to the license fees  
143 and credits under Section 75-76-177, 75-76-179, 75-76-181 and  
144 75-76-185.

145 **SECTION 6.** Section 75-76-5, Mississippi Code of 1972, is  
146 amended as follows:

147 75-76-5. As used in this chapter, unless the context  
148 requires otherwise:



149           (a) "Applicant" means any person who has applied for or  
150 is about to apply for a state gaming license, registration or  
151 finding of suitability under the provisions of this chapter or  
152 approval of any act or transaction for which approval is required  
153 or permitted under the provisions of this chapter.

154           (b) "Application" means a request for the issuance of a  
155 state gaming license, registration or finding of suitability under  
156 the provisions of this chapter or for approval of any act or  
157 transaction for which approval is required or permitted under the  
158 provisions of this chapter but does not include any supplemental  
159 forms or information that may be required with the application.

160           (c) "Associated equipment" means any equipment or  
161 mechanical, electromechanical or electronic contrivance, component  
162 or machine used remotely or directly in connection with gaming or  
163 with any game, race book or sports pool that would not otherwise  
164 be classified as a gaming device, including dice, playing cards,  
165 links which connect to progressive slot machines, equipment which  
166 affects the proper reporting of gross revenue, computerized  
167 systems of betting at a race book or sports pool, computerized  
168 systems for monitoring slot machines, and devices for weighing or  
169 counting money. Associated equipment does not include a personal  
170 computer, mobile phone or other device owned and used by an  
171 individual to place a sports betting wager via a digital platform.

172           (d) "Chairman" means the Chairman of the Mississippi  
173 Gaming Commission except when used in the term "Chairman of the



174 State Tax Commission." "Chairman of the State Tax Commission" or  
175 "commissioner" means the Commissioner of Revenue of the Department  
176 of Revenue.

177 (e) "Commission" or "Mississippi Gaming Commission"  
178 means the Mississippi Gaming Commission.

179 (f) "Commission member" means a member of the  
180 Mississippi Gaming Commission.

181 (g) "Credit instrument" means a writing which evidences  
182 a gaming debt owed to a person who holds a license at the time the  
183 debt is created, and includes any writing taken in consolidation,  
184 redemption or payment of a prior credit instrument.

185 (h) "Enforcement division" means a particular division  
186 supervised by the executive director that provides enforcement  
187 functions.

188 (i) "Establishment" means any premises wherein or  
189 whereon any gaming is done.

190 (j) "Executive director" means the Executive Director  
191 of the Mississippi Gaming Commission.

192 (k) Except as otherwise provided by law, "game," or  
193 "gambling game" means any banking or percentage game played with  
194 cards, with dice or with any mechanical, electromechanical or  
195 electronic device or machine for money, property, checks, credit  
196 or any representative of value, including, without limiting, the  
197 generality of the foregoing, faro, monte, roulette, keno, fan-tan,  
198 twenty-one, blackjack, seven-and-a-half, big injun, klondike,





199 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de  
200 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,  
201 or any other game or device approved by the commission. However,  
202 "game" or "gambling game" shall not include bingo games or raffles  
203 which are held pursuant to the provisions of Section 97-33-51, or  
204 the illegal gambling activities described in Section 97-33-8.

205 The commission shall not be required to recognize any game  
206 hereunder with respect to which the commission determines it does  
207 not have sufficient experience or expertise.

208 (l) "Gaming" or "gambling" means to deal, operate,  
209 carry on, conduct, maintain or expose for play any game as defined  
210 in this chapter.

211 (m) "Gaming device" means any mechanical,  
212 electromechanical or electronic contrivance, component or machine  
213 used in connection with gaming or any game which affects the  
214 result of a wager by determining win or loss. The term includes a  
215 system for processing information which can alter the normal  
216 criteria of random selection, which affects the operation of any  
217 game, or which determines the outcome of a game. The term does  
218 not include a system or device which affects a game solely by  
219 stopping its operation so that the outcome remains undetermined,  
220 and does not include any antique coin machine as defined in  
221 Section 27-27-12. Gaming device does not include a personal  
222 computer, mobile phone or other device owned and used by an  
223 individual to place a sports betting wager via a digital platform.



224 (n) "Gaming employee" means any person connected  
225 directly with the operation of a gaming establishment licensed to  
226 conduct any game, including:

- 227 (i) Boxmen;
- 228 (ii) Cashiers;
- 229 (iii) Change personnel;
- 230 (iv) Counting room personnel;
- 231 (v) Dealers;
- 232 (vi) Floormen;
- 233 (vii) Hosts or other persons empowered to extend  
234 credit or complimentary services;
- 235 (viii) Keno runners;
- 236 (ix) Keno writers;
- 237 (x) Machine mechanics;
- 238 (xi) Security personnel;
- 239 (xii) Shift or pit bosses;
- 240 (xiii) Shills;
- 241 (xiv) Supervisors or managers; and
- 242 (xv) Ticket writers.

243 The term "gaming employee" also includes employees of  
244 manufacturers or distributors of gaming equipment within this  
245 state whose duties are directly involved with the manufacture,  
246 repair or distribution of gaming equipment.



247 "Gaming employee" does not include bartenders, cocktail  
248 waitresses or other persons engaged in preparing or serving food  
249 or beverages unless acting in some other capacity.

250 (o) "Gaming license" means any license issued by the  
251 state which authorizes the person named therein to engage in  
252 gaming.

253 (p) "Gross revenue" means the total of all of the  
254 following, less the total of all cash paid out as losses to  
255 patrons and those amounts paid to purchase annuities to fund  
256 losses paid to patrons over several years by independent financial  
257 institutions:

258 (i) Cash received as winnings;

259 (ii) Cash received in payment for credit extended  
260 by a licensee to a patron for purposes of gaming; and

261 (iii) Compensation received for conducting any  
262 game in which the licensee is not party to a wager.

263 For the purposes of this definition, cash or the value of  
264 noncash prizes awarded to patrons in a contest or tournament are  
265 not losses.

266 The term does not include:

267 (i) Counterfeit money or tokens;

268 (ii) Coins of other countries which are received  
269 in gaming devices;

270 (iii) Cash taken in fraudulent acts perpetrated  
271 against a licensee for which the licensee is not reimbursed; or



272 (iv) Cash received as entry fees for contests or  
273 tournaments in which the patrons compete for prizes.

274 (q) "Hearing examiner" means a member of the  
275 Mississippi Gaming Commission or other person authorized by the  
276 commission to conduct hearings.

277 (r) "Investigation division" means a particular  
278 division supervised by the executive director that provides  
279 investigative functions.

280 (s) "License" means a gaming license or a  
281 manufacturer's, seller's or distributor's license.

282 (t) "Licensee" means any person to whom a valid license  
283 has been issued.

284 (u) "License fees" means monies required by law to be  
285 paid to obtain or continue a gaming license or a manufacturer's,  
286 seller's or distributor's license.

287 (v) "Licensed gaming establishment" means any premises  
288 licensed pursuant to the provisions of this chapter wherein or  
289 whereon gaming is done.

290 (w) "Manufacturer's," "seller's" or "distributor's"  
291 license means a license issued pursuant to Section 75-76-79.

292 (x) "Navigable waters" shall have the meaning ascribed  
293 to such term under Section 27-109-1.

294 (y) "Operation" means the conduct of gaming.

295 (z) "Party" means the Mississippi Gaming Commission and  
296 any licensee or other person appearing of record in any proceeding



297 before the commission; or the Mississippi Gaming Commission and  
298 any licensee or other person appearing of record in any proceeding  
299 for judicial review of any action, decision or order of the  
300 commission.

301 (aa) "Person" includes any association, corporation,  
302 firm, partnership, trust or other form of business association as  
303 well as a natural person.

304 (bb) "Premises" means land, together with all  
305 buildings, improvements and personal property located thereon, and  
306 includes all parts of any vessel or cruise vessel.

307 (cc) "Race book" means the business of accepting wagers  
308 upon the outcome of any event held at a track which uses the  
309 parimutuel system of wagering.

310 (dd) "Regulation" means a rule, standard, directive or  
311 statement of general applicability which effectuates law or policy  
312 or which describes the procedure or requirements for practicing  
313 before the commission. The term includes a proposed regulation  
314 and the amendment or repeal of a prior regulation but does not  
315 include:

316 (i) A statement concerning only the internal  
317 management of the commission and not affecting the rights or  
318 procedures available to any licensee or other person;

319 (ii) A declaratory ruling;

320 (iii) An interagency memorandum;



321 (iv) The commission's decision in a contested case  
322 or relating to an application for a license; or

323 (v) Any notice concerning the fees to be charged  
324 which are necessary for the administration of this chapter.

325 (ee) "Respondent" means any licensee or other person  
326 against whom a complaint has been filed with the commission.

327 (ff) "Slot machine" means any mechanical, electrical or  
328 other device, contrivance or machine which, upon insertion of a  
329 coin, token or similar object, or upon payment of any  
330 consideration, is available to play or operate, the play or  
331 operation of which, whether by reason of the skill of the operator  
332 or application of the element of chance, or both, may deliver or  
333 entitle the person playing or operating the machine to receive  
334 cash, premiums, merchandise, tokens or anything of value, whether  
335 the payoff is made automatically from the machine or in any other  
336 manner. The term does not include any antique coin machine as  
337 defined in Section 27-27-12.

338 (gg) "Sports pool" means the business of accepting  
339 wagers on collegiate, amateur or professional sporting events or  
340 athletic events, including e-sports, or any other event or  
341 competition authorized by the commission, by any system or method  
342 of wagering other than the system known as the "parimutuel method  
343 of wagering \* \* \*," including, but not limited to, digital  
344 platforms. The term includes, but is not limited to, single-game  
345 bets, teaser bets, parlays, over-under, moneyline, pools, exchange



346 wagering, in-game wagering, in-play bets, proposition bets and  
347 straight bets. The term does not include fantasy contests as  
348 defined in Section 97-33-303.

349 (hh) "State Tax Commission" or "department" means the  
350 Department of Revenue of the State of Mississippi.

351 (ii) "Temporary work permit" means a work permit which  
352 is valid only for a period not to exceed ninety (90) days from its  
353 date of issue and which is not renewable.

354 (jj) "Vessel" or "cruise vessel" shall have the  
355 meanings ascribed to such terms under Section 27-109-1.

356 (kk) "Work permit" means any card, certificate or  
357 permit issued by the commission, whether denominated as a work  
358 permit, registration card or otherwise, authorizing the employment  
359 of the holder as a gaming employee. A document issued by any  
360 governmental authority for any employment other than gaming is not  
361 a valid work permit for the purposes of this chapter.

362 (ll) "School or training institution" means any school  
363 or training institution which is licensed by the commission to  
364 teach or train gaming employees pursuant to Section 75-76-34.

365 (mm) "Cheat" means to alter the selection of criteria  
366 that determine:

367 (i) The rules of a game; or

368 (ii) The amount or frequency of payment in a game.

369 (nn) "Promotional activity" means an activity or event  
370 conducted or held for the purpose of promoting or marketing the



371 individual licensed gaming establishment that is engaging in the  
372 promotional activity. The term includes, but is not limited to, a  
373 game of any kind other than as defined in paragraph (k) of this  
374 section, a tournament, a contest, a drawing, or a promotion of any  
375 kind.

376 (oo) "Digital platform" means the operation of a sports  
377 pool or race book over the internet, including on websites and  
378 mobile devices, by the holder of a gaming license or by an  
379 operator on behalf of the holder of a gaming license.

380 Notwithstanding any provision of the law to the contrary, a  
381 digital platform may determine whether to accept or reject wagers,  
382 determine the results of wagers and payout winning wagers. The  
383 branding for each digital platform shall be determined by the  
384 operator.

385 (pp) "Operator" means an entity licensed as a  
386 manufacturer and distributor and authorized by the commission to  
387 operate a digital platform on behalf of the holder of a gaming  
388 license.

389 (qq) "Sports pool wagering account" means a financial  
390 record established by a gaming licensee or operator for an  
391 individual patron in which the patron may deposit and withdraw  
392 funds for sports pool wagering and other authorized purchases, and  
393 to which the gaming licensee or operator may credit winnings or  
394 other amounts due to that patron or authorized by that patron.





395 Such account can be established and funded by the patron  
396 electronically through a digital platform.

397 **SECTION 7.** Section 75-76-33, Mississippi Code of 1972, is  
398 amended as follows:

399 75-76-33. (1) The commission shall, from time to time,  
400 adopt, amend or repeal such regulations, consistent with the  
401 policy, objects and purposes of this chapter, as it may deem  
402 necessary or desirable in the public interest in carrying out the  
403 policy and provisions of this chapter. The commission shall  
404 comply with the Mississippi Administrative Procedures Law when  
405 adopting, amending or repealing any regulations authorized under  
406 this section or under any other provision of this chapter.

407 (2) These regulations shall, without limiting the general  
408 powers herein conferred, include the following:

409 (a) Prescribing the method and form of application  
410 which any applicant for a license or for a manufacturer's,  
411 seller's or distributor's license must follow and complete before  
412 consideration of his application by the executive director or the  
413 commission.

414 (b) Prescribing the information to be furnished by any  
415 applicant or licensee concerning his antecedents, habits,  
416 character, associates, criminal record, business activities and  
417 financial affairs, past or present.

418 (c) Prescribing the information to be furnished by a  
419 licensee relating to his employees.



420 (d) Requiring fingerprinting of an applicant or  
421 licensee, and gaming employees of a licensee, or other methods of  
422 identification and the forwarding of all fingerprints taken  
423 pursuant to regulation of the Federal Bureau of Investigation.

424 (e) Prescribing the manner and procedure of all  
425 hearings conducted by the commission or any hearing examiner of  
426 the commission, including special rules of evidence applicable  
427 thereto and notices thereof.

428 (f) Requiring any applicant to pay all or any part of  
429 the fees and costs of investigation of such applicant as may be  
430 determined by the commission under paragraph (g) of this  
431 subsection (2).

432 (g) Prescribing the amounts of investigative fees only  
433 as authorized by regulations of the commission under paragraph (f)  
434 of this subsection, and collecting those fees. The commission  
435 shall adopt regulations setting the amounts of those fees at  
436 levels that will provide the commission with sufficient revenue,  
437 when combined with any other monies as may be deposited into the  
438 Mississippi Gaming Commission Fund created in Section 75-76-325,  
439 to carry out the provisions of this chapter without any state  
440 general funds. In calculating the amount of such fees, the  
441 commission shall:

442 (i) Attempt to set the fees at levels that will  
443 create a balance in the Mississippi Gaming Commission Fund that  
444 does not exceed, at the end of any state fiscal year, two percent



445 (2%) of the projected amount of funds that will provide the  
446 commission with such sufficient revenue; and

447 (ii) Demonstrate the reasonableness of the  
448 relationship between a fee and the actual costs of the  
449 investigative activity for which the fee is being prescribed.

450 (h) Prescribing the manner and method of collection and  
451 payment of fees and issuance of licenses.

452 (i) Prescribing under what conditions a licensee may be  
453 deemed subject to revocation or suspension of his license.

454 (j) Requiring any applicant or licensee to waive any  
455 privilege with respect to any testimony at any hearing or meeting  
456 of the commission, except any privilege afforded by the  
457 Constitution of the United States or this state.

458 (k) Defining and limiting the area, games and devices  
459 permitted, and the method of operation of such games and devices,  
460 for the purposes of this chapter.

461 (l) Prescribing under what conditions the nonpayment of  
462 a gambling debt by a licensee shall be deemed grounds for  
463 revocation or suspension of his license.

464 (m) Governing the use and approval of gambling devices  
465 and equipment.

466 (n) Prescribing the qualifications of, and the  
467 conditions under which, attorneys, accountants and others are  
468 permitted to practice before the commission.



469 (o) Restricting access to confidential information  
470 obtained under this chapter and ensuring that the confidentiality  
471 of such information is maintained and protected.

472 (p) Prescribing the manner and procedure by which the  
473 executive director on behalf of the commission shall notify a  
474 county or a municipality wherein an applicant for a license  
475 desires to locate.

476 (q) Prescribing the manner and procedure for an  
477 objection to be filed with the commission and the executive  
478 director by a county or municipality wherein an applicant for a  
479 license desires to locate.

480 (3) \* \* \* Except for wagers placed through approved digital  
481 platforms, each licensee shall be required to comply with the  
482 regulation that no wager may be placed by, or on behalf of, any  
483 individual or entity or group, not present on a licensed vessel or  
484 cruise vessel.

485 (4) Gaming licensees and operators shall accept wagers  
486 placed from sports pool wagering accounts through digital  
487 platforms provided that such wagers are initiated, received and  
488 otherwise made within Mississippi unless otherwise determined by  
489 the commission in accordance with applicable federal and state  
490 law. Consistent with the intent of the United States Congress and  
491 as articulated in the federal Unlawful Internet Gambling  
492 Enforcement Act of 2006, 31 U.S.C. Sections 5361-5367, the  
493 intermediate routing of electronic data related to a lawful



494 intrastate wager authorized under that provision does not  
495 determine the location or locations in which the wager is  
496 initiated, received or otherwise made.

497 ( \* \* \*5) From and after July 1, 2016, the expenses of this  
498 agency shall be defrayed by appropriation from the State General  
499 Fund and all user charges and fees authorized under this section  
500 shall be deposited into the State General Fund as authorized by  
501 law.

502 ( \* \* \*6) From and after July 1, 2016, no state agency shall  
503 charge another state agency a fee, assessment, rent or other  
504 charge for services or resources received by authority of this  
505 section.

506 **SECTION 8.** Section 75-76-55, Mississippi Code of 1972, is  
507 amended as follows:

508 75-76-55. (1) Except for an approved digital platform, or  
509 as otherwise provided in Section 75-76-34, it is unlawful for any  
510 person, either as owner, lessee or employee, whether for hire or  
511 not, either solely or in conjunction with others, without having  
512 first procured and thereafter maintaining in effect a state gaming  
513 license:

514 (a) To deal, operate, carry on, conduct, maintain or  
515 expose for play in the State of Mississippi any gambling game,  
516 including, without limitation, any gaming device, slot machine,  
517 race book or sports pool;



518           (b) To provide or maintain any information service the  
519 primary purpose of which is to aid the placing or making of wagers  
520 on events of any kind; or

521           (c) To receive, directly or indirectly, any  
522 compensation or reward or any percentage or share of the money or  
523 property played, for keeping, running or carrying on any gambling  
524 game, including, without limitation, any slot machine, gaming  
525 device, race book or sports pool.

526           (2) Except for an approved digital platform, or as otherwise  
527 provided in Section 75-76-34, it is unlawful for any person  
528 knowingly to permit any gambling game, including, without  
529 limitation, any slot machine, gaming device, race book or sports  
530 pool to be conducted, operated, dealt or carried on in any house  
531 or building or other premises owned by him, in whole or in part,  
532 by a person who is not licensed pursuant to this chapter or by his  
533 employee.

534           **SECTION 9.** Section 75-76-79, Mississippi Code of 1972, is  
535 amended as follows:

536           75-76-79. (1) (a) Except as otherwise provided in  
537 paragraphs (b) and (c) of this subsection, it is unlawful for any  
538 person, either as owner, lessee or employee, whether for hire or  
539 not, to operate, carry on, conduct or maintain any form of  
540 manufacture, selling or distribution of any gaming device for use  
541 or play in Mississippi or for distribution outside of Mississippi



542 without first procuring and maintaining all required federal and  
543 state licenses.

544 (b) An operator shall be licensed under this section as  
545 a manufacturer and a distributor.

546 ( \* \* \* c) A lessor who specifically acquires equipment  
547 for a capital lease is not required to be licensed under this  
548 section.

549 ( \* \* \* d) The holder of a state gaming license or the  
550 holding company of a corporate licensee may, within two (2) years  
551 after cessation of business or upon specific approval by the  
552 executive director, dispose of by sale in a manner approved by the  
553 executive director, any or all of its gaming devices, including  
554 slot machines, without a distributor's license. In cases of  
555 bankruptcy of a state gaming licensee or operator or foreclosure  
556 of a lien by a bank or other person holding a security interest  
557 for which gaming devices are security, in whole or in part, for  
558 the lien, the executive director may authorize the disposition of  
559 the gaming devices without requiring a distributor's license.

560 ( \* \* \* e) Any person whom the commission determines is  
561 a suitable person to receive a license under the provisions of  
562 this section may be issued a manufacturer's or distributor's  
563 license. The burden of proving his qualification to receive or  
564 hold a license under this section is at all times on the applicant  
565 or licensee.



566 ( \* \* \*f) Every person who must be licensed pursuant to  
567 this section is subject to the provisions of Sections 75-76-199  
568 through 75-76-265, unless exempted from those provisions by the  
569 commission.

570 ( \* \* \*g) The commission may exempt, for any purpose, a  
571 manufacturer, seller or distributor from the provisions of  
572 Sections 75-76-199 through 75-76-265, if the commission determines  
573 that the exemption is consistent with the purposes of this  
574 chapter.

575 ( \* \* \*h) As used in this section, "holding company"  
576 has the meaning ascribed to it in Section 75-76-199.

577 (2) If the commission determines that a manufacturer or  
578 distributor is unsuitable to receive or hold a license:

579 (a) No new gaming device or associated equipment  
580 manufactured by the manufacturer or distributed by the distributor  
581 may be approved;

582 (b) Any previously approved device or associated  
583 equipment manufactured by the manufacturer or distributed by the  
584 distributor is subject to revocation of approval if the reasons  
585 for the denial of the license also apply to that device or  
586 associated equipment;

587 (c) No new device or associated equipment manufactured  
588 by the manufacturer or distributed by the distributor may be sold,  
589 transferred or offered for use or play in Mississippi; and





590 (d) Any association or agreement between the  
591 manufacturer or distributor and a licensee must be terminated,  
592 unless otherwise provided by the commission. An agreement between  
593 such a manufacturer or distributor of gaming devices or associated  
594 equipment and a licensee shall be deemed to include a provision  
595 for its termination without liability on the part of the licensee  
596 upon a finding by the commission that the manufacturer is  
597 unsuitable to be associated with a gaming enterprise. Failure to  
598 include that condition in the agreement is not a defense in any  
599 action brought pursuant to this section to terminate the  
600 agreement.

601 (3) Failure of a licensee to terminate any association or  
602 agreement with a manufacturer or distributor of gaming devices or  
603 associated equipment after receiving notice of a determination of  
604 unsuitability, the denial of a license or failure to file a timely  
605 application for a license, is an unsuitable method of operation.

606 (4) There is hereby imposed and levied on each applicant for  
607 a manufacturer's, seller's or distributor's license under this  
608 section an annual license fee in the following amount:

609 (a) For the issuance or continuation of a  
610 manufacturer's license, One Thousand Dollars (\$1,000.00).

611 (b) For the issuance or continuation of a seller's or  
612 distributor's license, Five Hundred Dollars (\$500.00).

613 This fee is to be paid by the applicant to the \* \* \*  
614 Department of Revenue on or before the filing of the application



615 for a manufacturer's, seller's or distributor's license by the  
616 applicant. Upon such payment the \* \* \* Commissioner of Revenue  
617 shall certify to the executive director that such fee has been  
618 paid by the applicant.

619 Except for those amounts that a person issued a  
620 manufacturer's license under this section may charge for goods  
621 supplied or services rendered, the person holding the  
622 manufacturer's license may not be directly reimbursed by a holder  
623 of a gaming license for the cost of any fee paid by the person for  
624 the issuance or continuation of such a license, whether imposed  
625 under this section or any other provision of this chapter.

626 (5) A manufacturer or distributor of associated equipment  
627 who sells, transfers or offers the associated equipment for use or  
628 play in Mississippi may be required by the executive director to  
629 file an application for a finding of suitability to be a  
630 manufacturer or distributor of associated equipment.

631 Any person who directly or indirectly involves himself in the  
632 sale, transfer or offering for use or play in Mississippi of  
633 associated equipment who is not otherwise required to be licensed  
634 as a manufacturer or distributor may be required by the executive  
635 director to file an application for a finding of suitability to be  
636 a manufacturer or distributor of associated equipment.

637 If an application for a finding of suitability is not  
638 submitted within thirty (30) days after demand by the executive



639 director, he may pursue any remedy or combination of remedies  
640 provided in this chapter.

641 (6) The executive director and his employees may inspect  
642 every gaming device which is manufactured, sold or distributed:

643 (a) For use in this state, before the gaming device is  
644 put into play.

645 (b) In this state for use outside this state, before  
646 the gaming device is shipped out of this state.

647 The executive director may inspect every gaming device which  
648 is offered for play within this state by a licensee.

649 The executive director may inspect all associated equipment  
650 which is manufactured, sold or distributed for use in this state  
651 before the equipment is installed or used by a gaming licensee.

652 In addition to all other fees and charges imposed by this  
653 chapter, the executive director may determine an inspection fee  
654 with regard to each manufacturer, seller or distributor which must  
655 not exceed the actual cost of inspection and investigation. Upon  
656 such determination, the executive director shall certify to  
657 the \* \* \* Commissioner of Revenue the amount of the inspection fee  
658 and the name and address of the applicant. Upon such  
659 certification the \* \* \* Department of Revenue shall proceed to  
660 assess and collect such inspection fee from the applicant.

661 **SECTION \*.** Section 75-76-89, Mississippi Code of 1972, is  
662 amended as follows:



663           75-76-89. (1) Except as otherwise provided in subsection  
664 ( \* \* \*2) of this section, all licenses issued to the same person,  
665 including a wholly owned subsidiary of that person, for the  
666 operation of any game, including a sports pool or race book, which  
667 authorize gaming at the same establishment must be merged into a  
668 single gaming license. A gaming license may not be issued to any  
669 person if the issuance would result in more than one (1) licensed  
670 operation at a single establishment, whether or not the profits or  
671 revenue from gaming are shared between the licensed operations.

672           (2) A person who has been issued a gaming license or an  
673 operator may establish a sports pool or race book on the premises  
674 of the establishment \* \* \* or operate a digital platform through  
675 which he or she conducts a gaming operation only after obtaining  
676 permission from the executive director.

677           **SECTION 11.** Section 75-76-101, Mississippi Code of 1972, is  
678 amended as follows:

679           75-76-101. (1) All gaming must be conducted with chips,  
680 tokens or other instrumentalities approved by the executive  
681 director or with the legal tender of the United States.

682           (2) Except for a sports pool conducted through an approved  
683 digital platform, no licensee shall permit participation by a  
684 person in a game conducted in the licensed gaming establishment if  
685 such person is not physically present in the licensed gaming  
686 establishment during the period of time when such game is being



687 conducted, and all games and the participation of patrons therein  
688 shall be entirely located and conducted on the licensed premises.

689 **SECTION 12.** Section 75-76-175, Mississippi Code of 1972, is  
690 amended as follows:

691 75-76-175. (1) A credit instrument accepted on or after  
692 June 29, 1991, is valid and may be enforced by legal process.

693 (2) A licensee or a person acting on the licensee's behalf  
694 may accept an incomplete credit instrument which:

695 (a) Is signed by a patron; and

696 (b) States the amount of the debt in figures \* \* \*; and  
697 may complete the instrument as is necessary for the instrument to  
698 be presented for payment.

699 (3) A licensee or person acting on behalf of a licensee:

700 (a) May accept a credit instrument that is dated later  
701 than the date of its execution if that later date is furnished at  
702 the time of the execution of the credit instrument by the patron.

703 (b) May not accept a credit instrument which is  
704 incomplete, except as authorized by subsection (2) of this  
705 section.

706 (c) May accept a credit instrument that is payable to  
707 an affiliated company or may complete a credit instrument in the  
708 name of an affiliated company as payee if the credit instrument  
709 otherwise complies with this subsection and the records of the  
710 affiliated company pertaining to the credit instrument are made  
711 available to the executive director upon request.



712 (4) This section does not prohibit the establishment of an  
713 account:

714 (a) By a deposit of cash, recognized traveler's check,  
715 or any other instruments which is equivalent to cash \* \* \*; or

716 (b) Electronically through an approved digital  
717 platform.

718 (5) Any person who violates the provisions of this section  
719 is subject only to the penalties provided in Sections 75-76-103  
720 through 75-76-119, inclusive.

721 (6) The commission may adopt regulations prescribing the  
722 conditions under which a credit instrument may be redeemed or  
723 presented to a bank for collection or payment.

724 **SECTION 13.** Section 75-76-177, Mississippi Code of 1972, is  
725 amended as follows:

726 75-76-177. (1) From and after August 1, 1990, there is  
727 hereby imposed and levied on each gaming licensee a license fee  
728 based upon all the gross revenue of the licensee as follows:

729 (a) Four percent (4%) of all the gross revenue of the  
730 licensee which does not exceed Fifty Thousand Dollars (\$50,000.00)  
731 per calendar month;

732 (b) Six percent (6%) of all the gross revenue of the  
733 licensee which exceeds Fifty Thousand Dollars (\$50,000.00) per  
734 calendar month and does not exceed One Hundred Thirty-four  
735 Thousand Dollars (\$134,000.00) per calendar month; and



736 (c) Eight percent (8%) of all the gross revenue of the  
737 licensee or operator which exceeds One Hundred Thirty-four  
738 Thousand Dollars (\$134,000.00) per calendar month.

739 (2) All revenue received from any game or gaming device  
740 which is leased for operation on the premises of the  
741 licensee-owner to a person other than the owner thereof or which  
742 is located in an area or space on such premises which is leased by  
743 the licensee-owner to any such person, must be attributed to the  
744 owner for the purposes of this section and be counted as part of  
745 the gross revenue of the owner. The lessee is liable to the owner  
746 for his proportionate share of such license fees.

747 (3) If the amount of license fees required to be reported  
748 and paid pursuant to this section is later determined to be  
749 greater or less than the amount actually reported and paid by the  
750 licensee, the \* \* \* Commissioner of Revenue shall:

751 (a) Assess and collect the additional license fees  
752 determined to be due, with interest thereon until paid; or

753 (b) Refund any overpayment, with interest thereon, to  
754 the licensee.

755 Interest must be computed, until paid, at the rate of one  
756 percent (1%) per month from the first day of the first month  
757 following either the due date of the additional license fees or  
758 the date of overpayment.



759 (4) Failure to pay the fees provided for in this section  
760 when they are due for continuation of a license shall be deemed a  
761 surrender of the license.

762 **SECTION 14.** Section 97-33-305, Mississippi Code of 1972, is  
763 amended as follows:

764 97-33-305. (1) Fantasy contests are legal in this state. A  
765 fantasy contest operator must comply with the provisions of this  
766 section if the operator's total player roster for all fantasy  
767 contests consists of one hundred (100) or more members of the  
768 general public.

769 (2) A fantasy contest operator must implement commercially  
770 reasonable procedures for fantasy contests with an entry fee to:

771 (a) Prevent employees of the operator, and relatives  
772 living in the same household with an employee of an operator, from  
773 competing in fantasy contests offered to the public by an operator  
774 in which the operator offers a cash prize;

775 (b) Prevent sharing with third parties of confidential  
776 information that could affect fantasy contest play until the  
777 information is made publicly available;

778 (c) Prevent the operator from participating in a  
779 fantasy contest offered by the operator;

780 (d) Verify that a fantasy contest player is eighteen  
781 (18) years of age or older except as required in Section  
782 97-33-307(5);





783           (e) Ensure that individuals who participate or  
784 officiate in a sporting event or who own, manage or coach a team  
785 or player who participates in a sporting event will not knowingly  
786 be allowed to enter a fantasy contest that is determined, in whole  
787 or in part, on accumulated statistical results that include a  
788 sporting event in which the individual could be involved as an  
789 athlete, official, owner, manager or coach;

790           (f) Allow individuals to restrict themselves from  
791 entering a fantasy contest upon request and provide reasonable  
792 steps to prevent the person from entering fantasy contests offered  
793 by the operator;

794           (g) Disclose the number of entries that a player may  
795 submit to each fantasy contest and provide reasonable steps to  
796 prevent players from submitting more than the allowable number;

797           (h) Restrict the number of entries submitted by a  
798 single player for any contest as follows:

799           (i) An operator shall not allow a player to submit  
800 more than one (1) entry in a contest involving twelve (12) or  
801 fewer players.

802           (ii) If the number of players in a contest is more  
803 than twelve (12) but fewer than thirty-seven (37), an operator  
804 shall not allow a player to submit more than two (2) entries.

805           (iii) If the number of players in a contest is at  
806 least thirty-seven (37) but no more than one hundred (100), an



807 operator shall not allow a player to submit more than three (3)  
808 entries.

809 (iv) In any contest involving more than one  
810 hundred (100) players, an operator shall not allow a player to  
811 submit more than the lesser of:

- 812 1. Three percent (3%) of all entries; or
- 813 2. One hundred fifty (150) entries.

814 (v) For all advertised fantasy contests, the  
815 operator must prominently include information about the maximum  
816 number of entries that may be submitted for that contest.

817 (vi) An operator may establish fantasy contests in  
818 which there is no restriction on the number of entries, if those  
819 contests constitute less than two percent (2%) of the total number  
820 of contests it offers, and if the operator clearly discloses:

- 821 1. That there are no limits on the number of  
822 entries by each player in the contest; and

- 823 2. That the cost of participating in such a  
824 contest is Fifty Dollars (\$50.00) or more per entry;

825 (i) Offer introductory procedures for players that are  
826 prominently displayed on the main page of the operator's platform  
827 to explain contest play and how to identify a highly experienced  
828 player;

829 (j) Identify all highly experienced players in every  
830 fantasy contest by a symbol attached to the players' usernames, or



831 by other easily visible means, on all platforms supported by the  
832 operator; and

833 (k) Segregate fantasy contest player funds from  
834 operational funds or maintain a reserve in the form of cash, cash  
835 equivalents, payment processor reserves and receivables, an  
836 irrevocable letter of credit, a bond, or a combination thereof, in  
837 the amount of the total account balances of the fantasy contest  
838 players for the benefit and protection of the funds held in the  
839 accounts.

840 (3) An operator shall not offer contests based on the  
841 performance of participants in \* \* \* high school or youth sports  
842 events.

843 (4) A fantasy contest operator offering fantasy contests  
844 with an entry fee in this state shall comply with audit procedures  
845 adopted by the commission to ensure compliance with this section.

846 (5) (a) Advertisements for contests and prizes offered by  
847 an operator shall not target prohibited participants, minors, or  
848 self-excluded persons.

849 (b) Representations or implications about average  
850 winnings from contests shall not be unfair or misleading. Such  
851 representations shall include, at a minimum:

852 (i) The median and mean net winnings of all  
853 players participating in contests offered by the operator; and



854 (ii) The percentage of winnings awarded by the  
855 operator to highly experienced players participating in contests  
856 offered by the operator within the preceding calendar year.

857 (6) Operators shall prohibit the use of third-party scripts  
858 or scripting programs for any contest and ensure that measures are  
859 in place to deter, detect and, to the extent reasonably possible,  
860 prevent cheating, including collusion, and the use of cheating  
861 devices, including use of software programs that submit entry fees  
862 or adjust the athletes selected by a player.

863 (7) The values of all prizes and awards offered to winning  
864 players must be established and made known to the players in  
865 advance of the contest.

866 **SECTION 15.** This act shall take effect and be in force from  
867 and after July 1, 2021.

