

By: Senator(s) Barnett

To: Gaming

## SENATE BILL NO. 2379

1       AN ACT TO CREATE THE MISSISSIPPI MOBILE SPORTS WAGERING ACT;  
2 TO PROVIDE DEFINITIONS FOR THE ACT; TO PROVIDE THAT "ONLINE RACE  
3 BOOK" AND "ONLINE SPORTS POOL" BETTING SHALL BE LEGAL IN THIS  
4 STATE; TO REQUIRE A PLATFORM THAT OPERATES AN ONLINE SPORTS POOL  
5 OR ONLINE RACE BOOK TO A MANUFACTURER'S AND DISTRIBUTOR'S LICENSE;  
6 TO AUTHORIZE LICENSED GAMING ESTABLISHMENTS TO CONTRACT WITH NO  
7 MORE THAN ONE PLATFORM; TO PROVIDE THAT A PLATFORM SHALL ONLY  
8 ACCEPT WAGERS FROM PLAYERS LOCATED IN MISSISSIPPI; TO REQUIRE THE  
9 PLATFORM CONTRACT FOR GEOFENCING AND AGE VERIFICATION; TO PROHIBIT  
10 PLAY BY ANY PERSON UNDER THE AGE OF 21; TO IMPOSE A FEE ON THE  
11 GROSS REVENUE OF A LICENSED GAMING ESTABLISHMENT, INCLUDING A  
12 PLATFORM THAT OPERATES AN ONLINE SPORTS POOL, ONLINE RACE BOOK OR  
13 BOTH ON BEHALF OF THE HOLDER OF A GAMING LICENSE, WHICH IS DERIVED  
14 FROM THE ACTIVITIES AUTHORIZED IN THIS ACT AND TO EXEMPT SUCH  
15 GROSS REVENUE FROM CERTAIN FEES IMPOSED OR AUTHORIZED UNDER THE  
16 MISSISSIPPI GAMING CONTROL ACT AND ANY LOCAL AND PRIVATE LAW OF  
17 THE STATE OF MISSISSIPPI; TO PROVIDE FOR THE DISTRIBUTION OF  
18 PROCEEDS COLLECTED FROM SUCH FEE TO THE MISSISSIPPI HOPE  
19 SCHOLARSHIP FUND; TO AMEND SECTIONS 75-76-67 AND 97-33-17,  
20 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO  
21 AMEND SECTION 75-76-5, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
22 LICENSED GAMING ESTABLISHMENT TO DISPLAY THE LICENSE OF THE  
23 PLATFORM IT IS CONTRACTED WITH; TO AMEND SECTION 75-76-89,  
24 MISSISSIPPI CODE OF 1972, TO CLARIFY THE INCLUSION OF ONLINE RACE  
25 BOOK AND SPORTS BOOK FOR GAMING LICENSING OUTSIDE OF A PREMISES;  
26 TO BRING FORWARD SECTION 75-76-91, MISSISSIPPI CODE OF 1972, WHICH  
27 REQUIRES THE LICENSED GAMING ESTABLISHMENT TO DISPLAY THE LICENSE  
28 OF THE PLATFORM IT IS CONTRACTED WITH, FOR PURPOSES OF AMENDMENT;  
29 TO BRING FORWARD SECTION 75-76-203, MISSISSIPPI CODE OF 1972,  
30 WHICH PROVIDES AN EXCEPTION FOR AN OFFICE IN THIS STATE FOR  
31 PLATFORMS, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTIONS  
32 75-76-33, 75-76-55, 75-76-101, 75-76-205 AND 75-76-211,  
33 MISSISSIPPI CODE OF 1972, WHICH REGULATE CORPORATE GAMING  
34 ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO AMEND SECTIONS

35 75-76-175, 75-76-177 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO  
36 CLARIFY CERTAIN PROVISIONS RELATING TO CREDIT INSTRUMENTS AND  
37 GAMING LICENSE FEES; TO BRING FORWARD SECTIONS 97-33-8 AND  
38 97-33-305, MISSISSIPPI CODE OF 1972, WHICH REGULATE GAMING  
39 ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO AMEND SECTIONS  
40 75-76-79 AND 97-33-25, MISSISSIPPI CODE OF 1972, TO CLARIFY  
41 CERTAIN PROVISIONS RELATING TO DOCKSIDE GAMING; TO AMEND SECTIONS  
42 97-33-1 AND 97-33-7, MISSISSIPPI CODE OF 1972, TO RESTRICT CERTAIN  
43 TYPES OF WAGERS; TO ESTABLISH THE MISSISSIPPI HOPE SCHOLARSHIP  
44 PROGRAM FUND TO BE OPERATED BY THE IHL OFFICE OF STUDENT FINANCIAL  
45 AID TO RECEIVE AND DISBURSE THE PROCEEDS OF THE MOBILE SPORTS  
46 WAGERING LICENSURE FEES; TO CREATE THE "MOBILE SPORTS WAGERING TAX  
47 FUND" AND PROVIDE FOR ITS DISTRIBUTION; AND FOR RELATED PURPOSES.

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

49 **SECTION 1.** This act shall be known and may be cited as the  
50 "Mississippi Mobile Sports Wagering Act."

51 **SECTION 2.** The following terms shall have the meanings  
52 ascribed herein:

53 (a) "Commission" means the Mississippi Gaming  
54 Commission as defined in Section 75-76-7.

55 (b) "Executive director" means the Executive Director  
56 of the Mississippi Gaming Commission as defined in Section  
57 75-76-7.

58 (c) "Game," "Gaming" or "Gambling game" means to deal,  
59 operate, carry on, conduct, maintain or expose for play any game  
60 as defined in Section 75-76-5.

61 (d) "Gaming license" means any license issued by the  
62 state which authorizes the person named therein to engage in  
63 gaming as defined in Section 75-76-5.

64 (e) "Gross revenue" means the same as defined in  
65 Section 75-76-5.



66 (f) "Interactive gaming" means wagering on any  
67 interactive game.

68 (g) "Interactive game" means computerized or virtual  
69 versions of any game as defined in Section 75-76-5 or any other  
70 game of chance or digital simulation thereof, including, but not  
71 limited to, casino-themed slot machines or gaming devices, table  
72 games or other such games as approved by the commission for play  
73 in a licensed establishment.

74 (h) "Internet" means the term as defined in Section 230  
75 of Title II of the Communications Act of 1934, Chapter 652, 110  
76 Stat. 137, 47 USC 230.

77 (i) "Licensed gaming establishment" means any premises  
78 licensed by the commission as defined in Section 75-76-5.

79 (j) "Manufacturer's", "seller's", or "distributor's"  
80 license means a license issued pursuant to Section 75-76-79 as  
81 defined in Section 75-76-5.

82 (k) "Online race book" means a race book as defined by  
83 Section 75-76-5 in which wagers are made over the internet,  
84 including on websites, personal computers, mobile phones, or other  
85 interactive devices used by an individual to place a race book  
86 wager from any location in Mississippi, and accepted by a platform  
87 on behalf of the holder of a Mississippi gaming license.

88 (1) "Online sports pool" means a sports pool as defined  
89 by Section 75-76-5 in which wagers are made over the internet,  
90 including on websites, personal computers, mobile phones, or other



91 interactive devices used by an individual to place a sports pool  
92 wager from any location in Mississippi, and accepted by a platform  
93 on behalf of the holder of a Mississippi gaming license.

94 (m) "Platform" means a person or entity that operates  
95 an online sports pool, online race book, or both on behalf of the  
96 holder of a gaming license.

97 (n) "Race book" means the business of accepting wagers  
98 upon the outcome of any event held at a track which uses the  
99 pari-mutuel system of wagering as defined in Section 75-76-5.

100 (o) "Sporting event" means any amateur sport or  
101 athletic event, professional sport or athletic event, collegiate  
102 sport or athletic event, motor race event, electronic sports  
103 event, competitive video game event, or any other event authorized  
104 by the Mississippi Gaming Control Act or the commission for  
105 wagering under this act.

106 (p) "Sports pool" means the same as the term is defined  
107 in Section 75-76-5 and includes the business of accepting wagers  
108 on sporting events by any system of wagering including, but not  
109 limited to, single-game bets, teaser bets, parlays, over-under,  
110 money line, pools, exchange wagering, in-game wagering, in-play  
111 bets, proposition bets, and straight bets. The term does not  
112 include fantasy contests as defined in Section 97-33-303.

113 **SECTION 3.** (1) Online sports pools and online race books  
114 shall be legal in the State of Mississippi as provided by this  
115 act. The provisions of this act shall not be construed to



116 authorize or legalize interactive gaming in the State of  
117 Mississippi, rather all forms of interactive gaming are expressly  
118 prohibited and are illegal in the State of Mississippi, punishable  
119 pursuant to the provisions of Section 97-33-1 and other applicable  
120 laws. Further, if any person or platform is found by the  
121 commission to have engaged in any form of illegal gaming,  
122 including, but not limited to, any form of interactive gaming,  
123 then such person and platform will be subject to action by the  
124 Mississippi Gaming Commission in accordance with Section 75-76-67.  
125 These restrictions will be applied whether the platform or person  
126 is found to have engaged in such illegal activity in Mississippi  
127 or in any other jurisdiction.

128 (2) (a) A platform that operates an online sports pool,  
129 online race book, or both on behalf of the holder of a gaming  
130 license in this state must obtain a manufacturer's and  
131 distributor's license from the commission in order to offer such  
132 services, and such license will be conditioned upon platform  
133 abiding by all laws and regulations governing such activities. A  
134 platform that already possesses a manufacturer's and distributor's  
135 license in the state shall be permitted to operate under the  
136 existing license subject to any technical approvals required by  
137 the commission to operate an online sports pool, online race book,  
138 or both.

139 (b) The licensed gaming establishment, including a  
140 platform that operates an online sports pool, online race book or



141 both on behalf of the holder of a gaming licensee, shall report  
142 all gaming revenue and pay all taxes for such revenue as provided  
143 by state law.

144 (3) A platform that operates an online sports pool, online  
145 race book, or both on behalf of the holder of a gaming license in  
146 this state shall be lawfully conducting business in this state in  
147 order to comply with the provisions of this act.

148 (4) Application for licensure shall be made to the executive  
149 director on forms furnished by the executive director and in  
150 accordance with the commission's regulations regarding  
151 manufacturer's and distributor's licenses. No platform will be  
152 issued a gaming license, rather it shall be required to contract  
153 with a licensed casino operator in order to conduct online sports  
154 pool or online race book activities in Mississippi. The  
155 commission shall only issue a gaming license to a legal gaming  
156 establishment located on a premises in a county where gaming may  
157 be conducted in accordance with Mississippi law that is operating  
158 a casino in a county that has not prohibited gaming by a  
159 referendum vote of registered voters pursuant to Section 19-3-79.  
160 Should a gaming license expire, be revoked or be suspended, then  
161 all such online activities associated with that gaming license  
162 will cease until such time that the commission renews the license  
163 or issues an order allowing the gaming licensee to recommence its  
164 gaming operations.



165 (5) The contractual terms between a licensed gaming operator  
166 and the licensed platform shall be consistent with Mississippi  
167 law, including, but not limited to, the terms of this act.

168 (6) The commission shall, from time to time, adopt, amend or  
169 repeal such regulations, consistent with the policy, objects and  
170 purposes of this chapter, as it may deem necessary or desirable in  
171 the public interest in carrying out the policy and provisions of  
172 this chapter. The commission shall use the Administrative  
173 Procedures Law when adopting, amending or repealing any  
174 regulations authorized under this section or under any other  
175 provision of this chapter.

176 (7) The commission shall promulgate rules and regulations  
177 that require a licensee to implement responsible sport betting  
178 programs. Such rules and regulations shall require a licensee to  
179 develop a strategic implementation plan with details as to:

180 (a) The use of player data and technology to aid in  
181 identifying potential problem gamblers;

182 (b) The use of automated triggers to identify and  
183 manage accounts or potential problem gamblers; and

184 (c) The levels of intervention and education provided  
185 to identified at-risk players, which shall include at a minimum:

186 (i) A first phase involving communications with  
187 the individual in order to educate him or her on the availability  
188 of various responsible gaming features and resources offered by  
189 the licensee;



190 (ii) A second phase that includes a video tutorial  
191 displayed to the individual either as one (1) or multiple videos  
192 that provides education on the features and resources available;  
193 and

194 (iii) A third phase, when warranted, that includes  
195 access to a list of responsible gaming professionals provided by  
196 the licensee to advise the individual on possible corrective  
197 actions to address at-risk behavior.

198 **SECTION 4.** (1) Each licensed establishment may enter into  
199 contracts with (a) no more than two (2) platforms to operate an  
200 online sports pool; and (b) no more than two (2) online race book  
201 platforms to operate online race book on behalf of the holder of  
202 the gaming license for such licensed establishment. Each platform  
203 may, but is not required to, offer both an online sports pool and  
204 an online race book. No platform, individually or collectively  
205 with any other platform or other party, shall take any action that  
206 would restrict or limit a single casino license holder, or a group  
207 of casino license holders, from offering online sports pool or  
208 online race book services to customers. The commission shall  
209 maintain a list of licensed platforms to be made available to  
210 licensed casino operators. If a platform receives a request from  
211 a licensed casino operator to discuss business terms related to  
212 providing online sports pool or online race book services to its  
213 customers, then the platform will engage in good-faith discussions  
214 with the licensed casino operator. Notwithstanding any provision



215 of law to the contrary, a platform may, on behalf of its gaming  
216 license holder, determine whether to accept or reject wagers,  
217 determine the results of wagers, and payout winning wagers, but  
218 the platform will be subject to Sections 75-76-157 through  
219 75-76-173 and subject to regulations authorized under this act, as  
220 well as the Mississippi Gaming Control Act, which may require a  
221 platform to appear before the commission or in a court proceeding  
222 to respond to any player dispute or an order to show cause issued  
223 by the commission.

224 (2) A platform, on behalf of the holder of a gaming license  
225 in this state, may accept online sports pool and online race book  
226 wagers placed over the internet, including on websites and the use  
227 of a personal computer, mobile phone, or other interactive device  
228 used by an individual to place a sports pool or race book wager,  
229 subject to the following:

230 (a) All players shall establish a wagering account and  
231 an initial identification and age verification shall be conducted  
232 before any wager by the player may be accepted by the platform. A  
233 player may establish a wagering account with a platform in person  
234 at a licensed establishment or over the internet, including on  
235 websites and mobile or interactive devices.

236 (b) A platform, on behalf of the holder of a gaming  
237 license in this state, shall accept wagers only from players  
238 located in Mississippi. A platform shall maintain geofencing or  
239 geolocating services and pay all costs and responsibilities



240 related to such services required by the commission. Servers,  
241 including the use of backup servers, may be located outside of  
242 this state, consistent with federal law. To the extent required  
243 by federal law, a platform shall maintain in this state the  
244 servers it uses to accept wagers on an online sports pool or  
245 online race book placed by bettors located in this state. A  
246 platform shall comply with all identification verification  
247 requirements and will take other commercially reasonable steps to  
248 prevent compulsive and problem gaming and to ensure that no person  
249 who is restricted or who is ineligible to participate in online  
250 gaming is able to use the platform to place bets or wagers on  
251 events.

252 (c) A person under the age of twenty-one (21) years  
253 shall not play, be allowed to play, place wagers, or collect  
254 winnings, whether personally or through an agent, from any online  
255 sports pool or online race book authorized under this chapter.

256 (d) A platform will take commercially reasonable steps  
257 to prevent any person who is self-excluded from entering a gaming  
258 property in Mississippi from opening an online wagering account.  
259 The Mississippi Gaming Commission shall maintain this list of  
260 individuals and provide it to platforms on a regular basis.

261 (e) Additionally, a platform will take commercially  
262 reasonable steps to ensure that any person who is a player, a  
263 coach, umpire, or referee or who is otherwise associated with a  
264 collegiate team or a professional team or an athletic event, are



265 prohibited from wagering on sporting events for which they are  
266 affiliated. The Mississippi Gaming Commission shall maintain this  
267 list of individuals and provide it to platforms on a regular  
268 basis. The platform should further alert customers that violating  
269 this restriction or aiding any person who is a minor, a  
270 self-excluded person or any other person who is otherwise  
271 restricted from wagering online to circumvent such restrictions  
272 (either intentionally or in failing to use reasonable steps to  
273 properly secure a device), shall be disqualified from  
274 participating in any form of online gaming thereafter.

275 (f) A platform shall comply with all identification  
276 verification and compulsive and problem gambling protections set  
277 forth in law or rule.

278 (3) Subject to the regulations of the commission, a platform  
279 shall report to the commission:

280 (a) Any criminal proceeding commenced against the  
281 platform or its employees in connection with the platform's  
282 operations in Mississippi.

283 (b) Any abnormal betting activity or patterns that may  
284 indicate a concern about the integrity of a sporting event or  
285 athletic event.

286 (c) Any other conduct indicating corruption of the  
287 betting outcome of a sporting event or athletic event for  
288 financial gain, including, but not limited to, match fixing as



289 well as any restricted person wagering on an event in which they  
290 are participating or otherwise affiliated.

291 (d) Suspicious or illegal wagering activities,  
292 including the use of funds derived from illegal activity, wagers  
293 to conceal or launder funds derived from illegal activity, use of  
294 agents to place wagers, or use of false identification. In such a  
295 case where information reported from paragraphs (a) through (d) of  
296 this subsection, the platform shall work together with the  
297 licensed casino operator and the commission to investigate such  
298 matters and to ensure that the accounts affected by or associated  
299 with such circumstances are suspended at least until such time  
300 that the commission is able to fully investigate the matters and  
301 determine the appropriate enforcement action.

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

305 **SECTION 5.** The gross revenue of a licensed gaming  
306 establishment, including a platform that operates an online sports  
307 pool, online race book or both on behalf of the holder of a gaming  
308 license, which is derived from the activities described in  
309 Sections 1 through 5 of this act shall be subject to a fee of  
310 twelve percent (12%) of the amount of such revenue and shall not  
311 be subject to any fees imposed and/or authorized under Section  
312 75-76-177, Mississippi Code of 1972, Section 75-76-195,  
313 Mississippi Code of 1972, and/or the authority of a local and



314 private law of the State of Mississippi. Fees paid by a licensee  
315 under this section shall be allowed as a credit against the income  
316 tax liability of the licensee for that taxable year.

317 On or before the last day of each month all fees collected by  
318 the Department of Revenue during that month under the provisions  
319 of this section shall be paid by the Department of Revenue to the  
320 State Treasurer to be deposited in the Mississippi HOPE  
321 Scholarship Program Fund created in Section 26 of this act.

322 **SECTION 6.** Section 75-76-67, Mississippi Code of 1972, is  
323 amended as follows:

324 75-76-67. (1) Any person who the commission determines is  
325 qualified to receive a license or be found suitable under the  
326 provisions of this chapter, having due consideration for the  
327 proper protection of the health, safety, morals, good order and  
328 general welfare of the inhabitants of the State of Mississippi and  
329 the declared policy of this state, may be issued a state gaming  
330 license or found suitable. The burden of proving his  
331 qualification to receive any license or be found suitable is on  
332 the applicant.

333 (2) An application to receive a license or be found suitable  
334 shall not be granted unless the commission is satisfied that the  
335 applicant is:

336 (a) A person of good character, honesty and integrity;  
337 (b) A person whose prior activities, criminal record,  
338 if any, reputation, habits and associations do not pose a threat



339 to the public interest of this state or to the effective  
340 regulation and control of gaming, or create or enhance the dangers  
341 of unsuitable, unfair or illegal practices, methods and activities  
342 in the conduct of gaming or the carrying on of the business and  
343 financial arrangements incidental thereto; and

344 (c) In all other respects qualified to be licensed or  
345 found suitable consistent with the declared laws of the state.

346 (3) No person shall be granted a license or found suitable  
347 under the provisions of this chapter who has been convicted of a  
348 felony in any court of this state, another state, or the United  
349 States; and no person shall be granted a license or found suitable  
350 hereunder who has been convicted of a crime in any court of  
351 another state or the United States which, if committed in this  
352 state, would be a felony; and no person shall be granted a license  
353 or found suitable under the provisions of this chapter who has  
354 been convicted of a misdemeanor in any court of this state or of  
355 another state, when such conviction was for gambling, sale of  
356 alcoholic beverages to minors, prostitution, or procuring or  
357 inducing individuals to engage in prostitution.

358 (4) A license to operate a gaming establishment shall not be  
359 granted unless the applicant has satisfied the commission that:

360 (a) He has adequate business probity, competence and  
361 experience, in gaming or generally; and

362 (b) The proposed financing of the entire operation is:



363 (i) Adequate for the nature of the proposed  
364 operation; and

365 (ii) From a suitable source. Any lender or other  
366 source of money or credit which the commission finds does not meet  
367 the standards set forth in subsection (2) may be deemed  
368 unsuitable \* \* \*;

369 (c) All licenses issued and approved to proceed with  
370 development by the commission and operating prior to December 31,  
371 2023, are exempt from the minimum requirements set forth in  
372 subparagraphs (i) through (vi) below. No site approval issued by  
373 the commission prior to December 31, 2023, with an expiration date  
374 or term shall be extended beyond such term. The proposed licensee  
375 must republish and reapply for site approval upon the expiration  
376 of any such approval. So long as a licensee issued approval to  
377 proceed with development after December 31, 2023, is not revoked,  
378 voided, vacated, or lapsed by order or act of the commission, a  
379 proposed project shall meet, at a minimum, the following:

383 (ii) A hotel with a minimum of three hundred (300)  
384 rooms;



(iv) A fine dining establishment capable of seating at least seventy-five (75) people;

(v) A casino floor of at least forty thousand  
(40,000) square feet; and

(vi) An amenity unique to the licensee's market in  
order to encourage economic development and promote tourism; and

(d) The commission shall not adopt any rule or

regulation that would reduce the requirements in paragraph (c) of this subsection; however, the commission may exercise discretion with respect to such requirements as to proposed projects if located in a gaming market along the Mississippi River; but, in all other areas where a project is proposed to be located, these shall be deemed minimum requirements.

(5) An application to receive a license or be found suitable constitutes a request for a determination of the applicant's general character, integrity and ability to participate or engage in, or be associated with gaming. Any written or oral statement made in the course of an official proceeding of the commission or the executive director or any witness testifying under oath which is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

(6) The commission may, in its discretion, grant a license to a corporation which has complied with the provisions of this chapter.



412 (7) The commission may, in its discretion, grant a license  
413 to a limited partnership which has complied with the provisions of  
414 this chapter.

415 (8) No limited partnership, except one whose sole limited  
416 partner is a publicly traded corporation which has registered with  
417 the commission, or business trust or organization or other  
418 association of a quasi-corporate character is eligible to receive  
419 or hold any license under this chapter unless all persons having  
420 any direct or indirect interest therein of any nature whatsoever,  
421 whether financial, administrative, policymaking or supervisory,  
422 are individually qualified to be licensed under the provisions of  
423 this chapter.

424 (9) The commission may, by regulation, limit the number of  
425 persons who may be financially interested and the nature of their  
426 interest in any corporation or other organization or association  
427 licensed under this chapter, and may establish such other  
428 qualifications of licenses as the commission, in its discretion,  
429 deems to be in the public interest and consistent with the  
430 declared policy of the state.

431 **SECTION 7.** Section 97-33-17, Mississippi Code of 1972, is  
432 amended as follows:

433 97-33-17. (1) All monies exhibited for the purpose of  
434 betting or alluring persons to bet at any game, and all monies  
435 staked or betted, shall be liable to seizure by any sheriff,  
436 constable, or police officer, together with all the appliances



437 used or kept for use in gambling, or by any other person; and all  
438 the monies so seized shall be accounted for by the person making  
439 the seizure, and all appliances seized shall be destroyed;  
440 provided, however, this section shall not apply to betting, gaming  
441 or wagering \* \* \*:

442 (a) On a cruise vessel as defined in Section 27-109-1  
443 whenever such vessel is in the waters within the State of  
444 Mississippi, which lie adjacent to the State of Mississippi south  
445 of the three (3) most southern counties in the State of  
446 Mississippi, including the Mississippi Sound, St. Louis Bay,  
447 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
448 of the county in which the port is located have not voted to  
449 prohibit such betting, gaming or wagering on cruise vessels as  
450 provided in Section 19-3-79;

451 (b) In a structure located in whole or in part, on  
452 shore in any of the three (3) most southern counties in the State  
453 of Mississippi in which the registered voters of the county have  
454 voted to allow such betting, gaming or wagering on cruise vessels  
455 as provided in Section 19-3-79, if:

456 (i) The structure is owned, leased or controlled  
457 by a person possessing a gaming license, as defined in Section  
458 75-76-5, to conduct legal gaming \* \* \* at a location that was  
459 legal for dockside gaming prior to August 29, 2005;

460 (ii) The part of the structure in which licensed  
461 gaming activities are conducted is located entirely in an area



462 which is located no more than eight hundred (800) feet from the  
463 mean high-water line (as defined in Section 29-15-1) of the waters  
464 within the State of Mississippi, which lie adjacent to the State  
465 of Mississippi south of the three (3) most southern counties in  
466 the State of Mississippi, including the Mississippi Sound, St.  
467 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
468 Mississippi Sound at Harrison County only, no farther north than  
469 the southern boundary of the right-of-way for U.S. Highway 90,  
470 whichever is greater; and in determining the distance to the mean  
471 high-water line, the following considerations apply:

472                   1. Rights-of-way and easements for public  
473 streets and highways shall not be construed to interrupt the  
474 contiguous nature of a parcel of property, nor shall the footage  
475 contained within such easements and rights-of-way be counted in  
476 the calculation of the distances specified in subparagraph (ii) of  
477 this paragraph; and

478                   2. An imaginary line drawn from any point  
479 along the mean high-water line referenced and utilized pursuant to  
480 subparagraph (ii) of this paragraph to any other point of  
481 reference must cross only property under the exclusive use and  
482 control of the gaming licensee or proposed licensee based on its  
483 ownership or lease thereof, except for rights-of-way and easements  
484 for public streets and highways; and

485                   (iii) In the case of a structure that is located  
486 in whole or part on shore, the part of the structure in which



487 licensed gaming activities are conducted shall \* \* \* be located  
488 on:

489                   1. Property entirely under the exclusive use  
490 and control of the gaming licensee or proposed licensee based on  
491 its ownership or lease thereof that extends from the gaming floor  
492 to the mean high-water line and such land is capable of  
493 accommodating the minimum improvement requirements set forth in  
494 Section 75-76-67(4); and

495                   2. The entire parcel(s) of land used to  
496 establish the necessary ownership and/or lease and control of the  
497 property to the mean high-water line must be immediately adjacent  
498 to waters at a location which would have qualified as a legal  
499 gaming site for docking a cruise vessel under paragraph (a) of  
500 this subsection prior to August 29, 2005;

501                   (c) A vessel as defined in Section 27-109-1 whenever  
502 such vessel is on the Mississippi River or navigable waters within  
503 any county bordering on the Mississippi River, and in which the  
504 registered voters of the county in which the port is located have  
505 not voted to prohibit such betting, gaming or wagering on vessels  
506 as provided in Section 19-3-79; or

507                   (d) That is legal under the laws of the State of  
508 Mississippi.

509                   (2) Nothing in this section shall apply to any gambling  
510 device, machine or equipment that is owned, possessed, controlled,



511    installed, procured, repaired or transported in accordance with  
512    subsection (4) of Section 97-33-7.

513        **SECTION 8.**    Section 75-76-5, Mississippi Code of 1972, is  
514    amended as follows:

515        75-76-5.    As used in this chapter, unless the context  
516    requires otherwise:

517                (a)    "Applicant" means any person who has applied for or  
518    is about to apply for a state gaming license, registration or  
519    finding of suitability under the provisions of this chapter or  
520    approval of any act or transaction for which approval is required  
521    or permitted under the provisions of this chapter.

522                (b)    "Application" means a request for the issuance of a  
523    state gaming license, registration or finding of suitability under  
524    the provisions of this chapter or for approval of any act or  
525    transaction for which approval is required or permitted under the  
526    provisions of this chapter but does not include any supplemental  
527    forms or information that may be required with the application.

528                (c)    "Associated equipment" means any equipment or  
529    mechanical, electromechanical or electronic contrivance, component  
530    or machine used remotely or directly in connection with gaming or  
531    with any game, race book or sports pool that would not otherwise  
532    be classified as a gaming device, including dice, playing cards,  
533    links which connect to progressive slot machines, equipment which  
534    affects the proper reporting of gross revenue, computerized  
535    systems of betting at a race book or sports pool, computerized



536 systems for monitoring slot machines, and devices for weighing or  
537 counting money.

538 (d) "Chairman" means the Chairman of the Mississippi  
539 Gaming Commission except when used in the term "Chairman of the  
540 State Tax Commission." "Chairman of the State Tax Commission" or  
541 "commissioner" means the Commissioner of Revenue of the Department  
542 of Revenue.

543 (e) "Commission" or "Mississippi Gaming Commission"  
544 means the Mississippi Gaming Commission.

545 (f) "Commission member" means a member of the  
546 Mississippi Gaming Commission.

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

551 (h) "Enforcement division" means a particular division  
552 supervised by the executive director that provides enforcement  
553 functions.

554 (i) "Establishment" means any premises wherein or  
555 whereon any gaming is done.

556 (j) "Executive director" means the Executive Director  
557 of the Mississippi Gaming Commission.

558 (k) Except as otherwise provided by law, "game," or  
559 "gambling game" means any banking or percentage game played with  
560 cards, with dice or with any mechanical, electromechanical or



561 electronic device or machine for money, property, checks, credit  
562 or any representative of value, including, without limiting, the  
563 generality of the foregoing, faro, monte, roulette, keno, fan-tan,  
564 twenty-one, blackjack, seven-and-a-half, big injun, klondike,  
565 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de  
566 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,  
567 or any other game or device approved by the commission. However,  
568 "game" or "gambling game" shall not include bingo games or raffles  
569 which are held pursuant to the provisions of Section 97-33-51, or  
570 the illegal gambling activities described in Section 97-33-8.

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

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

577             (m) "Gaming device" means any mechanical,  
578 electromechanical or electronic contrivance, component or machine  
579 used in connection with gaming or any game which affects the  
580 result of a wager by determining win or loss. The term includes a  
581 system for processing information which can alter the normal  
582 criteria of random selection, which affects the operation of any  
583 game, or which determines the outcome of a game. The term does  
584 not include a system or device which affects a game solely by  
585 stopping its operation so that the outcome remains undetermined,



586 and does not include any antique coin machine as defined in  
587 Section 27-27-12.

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

591 (i) Boxmen;  
592 (ii) Cashiers;  
593 (iii) Change personnel;  
594 (iv) Counting room personnel;  
595 (v) Dealers;  
596 (vi) Floormen;  
597 (vii) Hosts or other persons empowered to extend  
598 credit or complimentary services;  
599 (viii) Keno runners;  
600 (ix) Keno writers;  
601 (x) Machine mechanics;  
602 (xi) Security personnel;  
603 (xii) Shift or pit bosses;  
604 (xiii) Shills;  
605 (xiv) Supervisors or managers; and  
606 (xv) Ticket writers.

607 The term "gaming employee" also includes employees of  
608 manufacturers or distributors of gaming equipment within this  
609 state whose duties are directly involved with the manufacture,  
610 repair or distribution of gaming equipment.



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

614                (o)    "Gaming license" means any license issued by the  
615 state which authorizes the person named therein to engage in  
616 gaming.

617                (p)    "Gross revenue" means the total of all of the  
618 following, less the total of all cash paid out as losses to  
619 patrons and those amounts paid to purchase annuities to fund  
620 losses paid to patrons over several years by independent financial  
621 institutions:

622                        (i)    Cash received as winnings;  
623                        (ii)    Cash received in payment for credit extended  
624 by a licensee to a patron for purposes of gaming; and  
625                        (iii)   Compensation received for conducting any  
626 game in which the licensee is not party to a wager.

627                For the purposes of this definition, cash or the value of  
628 noncash prizes awarded to patrons in a contest or tournament are  
629 not losses.

630                The term does not include:

631                        (i)    Counterfeit money or tokens;  
632                        (ii)    Coins of other countries which are received  
633 in gaming devices;  
634                        (iii)   Cash taken in fraudulent acts perpetrated  
635 against a licensee for which the licensee is not reimbursed; or



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

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

641 (r) "Investigation division" means a particular  
642 division supervised by the executive director that provides  
643 investigative functions.

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

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

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

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

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

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

(v) "Operation" means the conduct of gaming.

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



661 before the commission; or the Mississippi Gaming Commission and  
662 any licensee or other person appearing of record in any proceeding  
663 for judicial review of any action, decision or order of the  
664 commission.

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

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

671 (cc) "Race book" means the business of accepting wagers  
672 upon the outcome of any event held at a track which uses the  
673 pari-mutuel system of wagering and includes "online race book" as  
674 defined by this act.

675 (dd) "Regulation" means a rule, standard, directive or  
676 statement of general applicability which effectuates law or policy  
677 or which describes the procedure or requirements for practicing  
678 before the commission. The term includes a proposed regulation  
679 and the amendment or repeal of a prior regulation but does not  
680 include:

681 (i) A statement concerning only the internal  
682 management of the commission and not affecting the rights or  
683 procedures available to any licensee or other person;  
684 (ii) A declaratory ruling;  
685 (iii) An interagency memorandum;



686 (iv) The commission's decision in a contested case  
687 or relating to an application for a license; or  
688 (v) Any notice concerning the fees to be charged  
689 which are necessary for the administration of this chapter.

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

692 (ff) "Slot machine" means any mechanical, electrical or  
693 other device, contrivance or machine which, upon insertion of a  
694 coin, token or similar object, or upon payment of any  
695 consideration, is available to play or operate, the play or  
696 operation of which, whether by reason of the skill of the operator  
697 or application of the element of chance, or both, may deliver or  
698 entitle the person playing or operating the machine to receive  
699 cash, premiums, merchandise, tokens or anything of value, whether  
700 the payoff is made automatically from the machine or in any other  
701 manner. The term does not include any antique coin machine as  
702 defined in Section 27-27-12.

703 (gg) "Sports pool" means the business of accepting  
704 wagers on collegiate or professional sporting events or athletic  
705 events, by any system or method of wagering other than the system  
706 known as the "pari-mutuel method of wagering \* \* \*", and includes  
707 "online sports pool" as defined by this act.

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



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

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

715 (kk) "Work permit" means any card, certificate or  
716 permit issued by the commission, whether denominated as a work  
717 permit, registration card or otherwise, authorizing the employment  
718 of the holder as a gaming employee. A document issued by any  
719 governmental authority for any employment other than gaming is not  
720 a valid work permit for the purposes of this chapter.

721 (11) "School or training institution" means any school  
722 or training institution which is licensed by the commission to  
723 teach or train gaming employees pursuant to Section 75-76-34.

724 (mm) "Cheat" means to alter the selection of criteria  
725 that determine:

726 (i) The rules of a game; or  
727 (ii) The amount or frequency of payment in a game.

728 (nn) "Promotional activity" means an activity or event  
729 conducted or held for the purpose of promoting or marketing the  
730 individual licensed gaming establishment that is engaging in the  
731 promotional activity. The term includes, but is not limited to, a  
732 game of any kind other than as defined in paragraph (k) of this  
733 section, a tournament, a contest, a drawing, or a promotion of any  
734 kind.



735           **SECTION 9.** Section 75-76-89, Mississippi Code of 1972, is  
736 amended as follows:

737           75-76-89. (1) Except as otherwise provided in subsection  
738 (~~\*\*2~~) of this section, all licenses issued to the same person,  
739 including a wholly owned subsidiary of that person, for the  
740 operation of any game, including a sports pool or race book, which  
741 authorize gaming at the same establishment must be merged into a  
742 single gaming license. A gaming license may not be issued to any  
743 person if the issuance would result in more than one (1) licensed  
744 operation at a single establishment, whether or not the profits or  
745 revenue from gaming are shared between the licensed operations.

746           (2) A person who has been issued a gaming license may  
747 establish a sports pool or race book on the premises of the  
748 establishment at which he or she conducts a gaming operation only  
749 after obtaining permission from the executive director.

750           **SECTION 10.** Section 75-76-91, Mississippi Code of 1972, is  
751 brought forward as follows:

752           75-76-91. (1) All licenses issued under the provisions of  
753 this chapter must be posted by the licensee and kept posted at all  
754 times in a conspicuous place in the establishment for which issued  
755 until replaced by a succeeding license.

756           (2) All licenses may be inspected by authorized state,  
757 county and municipal officials.

758           **SECTION 11.** Section 75-76-203, Mississippi Code of 1972, is  
759 brought forward as follows:



760           75-76-203. In order to be eligible to receive a state gaming  
761 license, a corporation shall:

762           (a) Be incorporated:

763           (i) In the State of Mississippi, although such  
764 corporation may be a wholly or partly owned subsidiary of a  
765 corporation which is chartered in another state of the United  
766 States; or

767           (ii) In another state of the United States, if all  
768 persons having any direct or indirect interest of any nature in  
769 such corporation are licensed as required by this chapter and any  
770 applicable regulations of the commission;

771           (b) Maintain an office of the corporation on the  
772 licensed premises;

773           (c) Comply with all of the requirements of the laws of  
774 the State of Mississippi pertaining to corporations; and

775           (d) Maintain a ledger in the principal office of the  
776 corporation in Mississippi, which shall:

777           (i) At all times reflect the ownership of every  
778 class of security issued by the corporation; and

779           (ii) Be available for inspection by the commission  
780 or the executive director or his employees at all reasonable times  
781 without notice.

782           **SECTION 12.** Section 75-76-33, Mississippi Code of 1972, is  
783 brought forward as follows:



784        75-76-33. (1) The commission shall, from time to time,  
785 adopt, amend or repeal such regulations, consistent with the  
786 policy, objects and purposes of this chapter, as it may deem  
787 necessary or desirable in the public interest in carrying out the  
788 policy and provisions of this chapter. The commission shall  
789 comply with the Mississippi Administrative Procedures Law when  
790 adopting, amending or repealing any regulations authorized under  
791 this section or under any other provision of this chapter.

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

794                (a) Prescribing the method and form of application  
795 which any applicant for a license or for a manufacturer's,  
796 seller's or distributor's license must follow and complete before  
797 consideration of his application by the executive director or the  
798 commission.

799                (b) Prescribing the information to be furnished by any  
800 applicant or licensee concerning his antecedents, habits,  
801 character, associates, criminal record, business activities and  
802 financial affairs, past or present.

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

805                (d) Requiring fingerprinting of an applicant or  
806 licensee, and gaming employees of a licensee, or other methods of  
807 identification and the forwarding of all fingerprints taken  
808 pursuant to regulation of the Federal Bureau of Investigation.



809 (e) Prescribing the manner and procedure of all  
810 hearings conducted by the commission or any hearing examiner of  
811 the commission, including special rules of evidence applicable  
812 thereto and notices thereof.

813 (f) Requiring any applicant to pay all or any part of  
814 the fees and costs of investigation of such applicant as may be  
815 determined by the commission under paragraph (g) of this  
816 subsection (2).

817 (g) Prescribing the amounts of investigative fees only  
818 as authorized by regulations of the commission under paragraph (f)  
819 of this subsection, and collecting those fees. The commission  
820 shall adopt regulations setting the amounts of those fees at  
821 levels that will provide the commission with sufficient revenue,  
822 when combined with any other monies as may be deposited into the  
823 Mississippi Gaming Commission Fund created in Section 75-76-325,  
824 to carry out the provisions of this chapter without any state  
825 general funds. In calculating the amount of such fees, the  
826 commission shall:



832 (ii) Demonstrate the reasonableness of the  
833 relationship between a fee and the actual costs of the  
834 investigative activity for which the fee is being prescribed.

835 (h) Prescribing the manner and method of collection and  
836 payment of fees and issuance of licenses.

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

839 (j) Requiring any applicant or licensee to waive any  
840 privilege with respect to any testimony at any hearing or meeting  
841 of the commission, except any privilege afforded by the  
842 Constitution of the United States or this state.

843 (k) Defining and limiting the area, games and devices  
844 permitted, and the method of operation of such games and devices,  
845 for the purposes of this chapter.

846 (1) Prescribing under what conditions the nonpayment of  
847 a gambling debt by a licensee shall be deemed grounds for  
848 revocation or suspension of his license.

849 (m) Governing the use and approval of gambling devices  
850 and equipment.

851 (n) Prescribing the qualifications of, and the  
852 conditions under which, attorneys, accountants and others are  
853 permitted to practice before the commission.

854 (o) Restricting access to confidential information  
855 obtained under this chapter and ensuring that the confidentiality  
856 of such information is maintained and protected.



857 (p) Prescribing the manner and procedure by which the  
858 executive director on behalf of the commission shall notify a  
859 county or a municipality wherein an applicant for a license  
860 desires to locate.

861 (q) Prescribing the manner and procedure for an  
862 objection to be filed with the commission and the executive  
863 director by a county or municipality wherein an applicant for a  
864 license desires to locate.

865 (3) Notwithstanding any other provision of law, each  
866 licensee shall be required to comply with the regulation that no  
867 wager may be placed by, or on behalf of, any individual or entity  
868 or group, not present on a licensed vessel or cruise vessel.

869 (4) From and after July 1, 2016, the expenses of this agency  
870 shall be defrayed by appropriation from the State General Fund and  
871 all user charges and fees authorized under this section shall be  
872 deposited into the State General Fund as authorized by law.

873 (5) From and after July 1, 2016, no state agency shall  
874 charge another state agency a fee, assessment, rent or other  
875 charge for services or resources received by authority of this  
876 section.

877 **SECTION 13.** Section 75-76-55, Mississippi Code of 1972, is  
878 brought forward as follows:

879 75-76-55. (1) Except as otherwise provided in Section  
880 75-76-34, it is unlawful for any person, either as owner, lessee  
881 or employee, whether for hire or not, either solely or in



882 conjunction with others, without having first procured and  
883 thereafter maintaining in effect a state gaming license:

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

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

891                   (c) To receive, directly or indirectly, any  
892 compensation or reward or any percentage or share of the money or  
893 property played, for keeping, running or carrying on any gambling  
894 game, including, without limitation, any slot machine, gaming  
895 device, race book or sports pool.

896                   (2) Except as otherwise provided in Section 75-76-34, it is  
897 unlawful for any person knowingly to permit any gambling game,  
898 including, without limitation, any slot machine, gaming device,  
899 race book or sports pool to be conducted, operated, dealt or  
900 carried on in any house or building or other premises owned by  
901 him, in whole or in part, by a person who is not licensed pursuant  
902 to this chapter or by his employee.

903                   **SECTION 14.** Section 75-76-101, Mississippi Code of 1972, is  
904 brought forward as follows:

905           75-76-101. (1) All gaming must be conducted with chips,  
906 tokens or other instrumentalities approved by the executive  
907 director or with the legal tender of the United States.

908           (2) No licensee shall permit participation by a person in a  
909 game conducted in the licensed gaming establishment if such person  
910 is not physically present in the licensed gaming establishment  
911 during the period of time when such game is being conducted, and  
912 all games and the participation of patrons therein shall be  
913 entirely located and conducted on the licensed premises.

914           **SECTION 15.** Section 75-76-205, Mississippi Code of 1972, is  
915 brought forward as follows:

916           75-76-205. No domestic corporation is eligible to receive a  
917 gaming license unless it is in good standing in this state. No  
918 foreign corporation is eligible to receive a gaming license unless  
919 it qualifies to do business in this state.

920           **SECTION 16.** Section 75-76-211, Mississippi Code of 1972, is  
921 brought forward as follows:

922           75-76-211. All officers and directors of the corporation  
923 which holds or applies for a state gaming license must be licensed  
924 individually, according to the provisions of this chapter; and if,  
925 in the judgment of the commission, the public interest will be  
926 served by requiring any or all of the corporation's individual  
927 stockholders, lenders, holders of evidences of indebtedness,  
928 underwriters, key executives, agents or employees to be licensed,  
929 the corporation shall require such persons to apply for a license



930 in accordance with the laws and requirements in effect at the time  
931 the commission requires such licensing. A person who is required  
932 to be licensed by this section shall apply for a license within  
933 thirty (30) days after he becomes an officer or director. A  
934 person who is required to be licensed pursuant to a decision of  
935 the commission shall apply for a license within thirty (30) days  
936 after the executive director requests him to do so.

937 **SECTION 17.** Section 75-76-175, Mississippi Code of 1972, is  
938 amended as follows:

939 75-76-175. (1) A credit instrument accepted on or after  
940 June 29, 1991, is valid and may be enforced by legal process.

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

943 (a) Is signed by a patron; and  
944 (b) States the amount of the debt in figures.

945 \* \* \* Such licensee or person acting on the licensee's  
946 behalf may complete the instrument as is necessary for the  
947 instrument to be presented for payment.

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

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

952 (b) May not accept a credit instrument which is  
953 incomplete, except as authorized by subsection (2) of this  
954 section.



955 (c) May accept a credit instrument that is payable to  
956 an affiliated company or may complete a credit instrument in the  
957 name of an affiliated company as payee if the credit instrument  
958 otherwise complies with this subsection and the records of the  
959 affiliated company pertaining to the credit instrument are made  
960 available to the executive director upon request.

961 (4) This section does not prohibit the establishment of an  
962 account by a deposit of cash, recognized traveler's check, or any  
963 other instruments which is equivalent to cash.

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

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

970       **SECTION 18.** Section 75-76-177, Mississippi Code of 1972, is  
971        amended as follows:

972 75-76-177. (1) From and after August 1, 1990, there is  
973 hereby imposed and levied on each gaming licensee a license fee  
974 based upon all the gross revenue of the licensee as follows:

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

978 (b) Six percent (6%) of all the gross revenue of the  
979 licensee which exceeds Fifty Thousand Dollars (\$50,000.00) per



980 calendar month and does not exceed One Hundred Thirty-four  
981 Thousand Dollars (\$134,000.00) per calendar month; and  
982 (c) Eight percent (8%) of all the gross revenue of the  
983 licensee which exceeds One Hundred Thirty-four Thousand Dollars  
984 (\$134,000.00) per calendar month.

985 (2) All revenue received from any game or gaming device  
986 which is leased for operation on the premises of the  
987 licensee-owner to a person other than the owner thereof or which  
988 is located in an area or space on such premises which is leased by  
989 the licensee-owner to any such person, must be attributed to the  
990 owner for the purposes of this section and be counted as part of  
991 the gross revenue of the owner. The lessee is liable to the owner  
992 for his proportionate share of such license fees.

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

997 (a) Assess and collect the additional license fees  
998 determined to be due, with interest thereon until paid; or  
999 (b) Refund any overpayment, with interest thereon, to  
1000 the licensee.

1001 Interest must be computed, until paid, at the rate of one  
1002 percent (1%) per month from the first day of the first month  
1003 following either the due date of the additional license fees or  
1004 the date of overpayment.



1005 (4) Failure to pay the fees provided for in this section  
1006 when they are due for continuation of a license shall be deemed a  
1007 surrender of the license.

1008           **SECTION 19.** Section 97-33-27, Mississippi Code of 1972, is  
1009       amended as follows:

1010 97-33-27. If any person shall bet on a horse race or a yacht  
1011 race or on a shooting match, he shall be fined not more than Five  
1012 Hundred Dollars (\$500.00), and, unless the fine and costs be  
1013 immediately paid, he shall be imprisoned in the county jail not  
1014 more than ninety (90) days; provided, however, this section shall  
1015 not apply to betting, gaming or wagering:

1016 (a) On a cruise vessel as defined in Section 27-109-1  
1017 whenever such vessel is in the waters within the State of  
1018 Mississippi, which lie adjacent to the State of Mississippi south  
1019 of the three (3) most southern counties in the State of  
1020 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1021 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1022 of the county in which the port is located have not voted to  
1023 prohibit such betting, gaming or wagering on cruise vessels as  
1024 provided in Section 19-3-79;

1025 (b) In a structure located in whole or in part on shore  
1026 in any of the three (3) most southern counties in the State of  
1027 Mississippi in which the registered voters of the county have  
1028 voted to allow such betting, gaming or wagering on cruise vessels  
1029 as provided in Section 19-3-79, if:



1030 (i) The structure is owned, leased or controlled  
1031 by a person possessing a gaming license, as defined in Section  
1032 75-76-5, to conduct legal gaming \* \* \* at a location that was  
1033 legal for dockside gaming prior to August 29, 2005;

1034 (ii) The part of the structure in which licensed  
1035 gaming activities are conducted is located entirely in an area  
1036 which is located no more than eight hundred (800) feet from the  
1037 mean high-water line (as defined in Section 29-15-1) of the waters  
1038 within the State of Mississippi, which lie adjacent to the State  
1039 of Mississippi south of the three (3) most southern counties in  
1040 the State of Mississippi, including the Mississippi Sound, St.  
1041 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
1042 Mississippi Sound at Harrison County only, no farther north than  
1043 the southern boundary of the right-of-way for U.S. Highway 90,  
1044 whichever is greater; and in determining the distance to the mean  
1045 high-water line, the following considerations apply:



1055 reference must cross only property under the exclusive use and  
1056 control of the gaming licensee or proposed licensee based on its  
1057 ownership or lease thereof, except for rights-of-way and easements  
1058 for public streets and highways; and

1059 (iii) In the case of a structure that is located  
1060 in whole or part on shore, the part of the structure in which  
1061 licensed gaming activities are conducted shall \* \* \* be located  
1062 on:

1063 1. Property entirely under the exclusive use  
1064 and control of the gaming licensee or proposed licensee based on  
1065 its ownership or lease thereof that extends from the gaming floor  
1066 to the mean high-water line and such land is capable of  
1067 accommodating the minimum improvement requirements set forth in  
1068 Section 75-76-67(4); and

1069 2. The entire parcel(s) of land used to  
1070 establish the necessary ownership and/or lease and control of the  
1071 property to the mean high-water line must be immediately adjacent  
1072 to waters at a location which would have qualified as a legal  
1073 gaming site for docking a cruise vessel under paragraph (a) of  
1074 this section prior to August 29, 2005;

1075 (c) On a vessel as defined in Section 27-109-1 whenever  
1076 such vessel is on the Mississippi River or navigable waters within  
1077 any county bordering on the Mississippi River, and in which the  
1078 registered voters of the county in which the port is located have



1079 not voted to prohibit such betting, gaming or wagering on vessels  
1080 as provided in Section 19-3-79; or  
1081 (d) That is legal under the laws of the State of  
1082 Mississippi.

1083 **SECTION 20.** Section 97-33-8, Mississippi Code of 1972, is  
1084 brought forward as follows:

1085 97-33-8. (1) The provisions of this section are intended to  
1086 clarify that the operation of "Internet sweepstakes cafes" is an  
1087 illegal gambling activity under state law.

1088 (2) It shall be unlawful for any person or entity to  
1089 possess, own, control, display, operate or have a financial  
1090 interest in an electronic video monitor that:

1091 (a) Is offered or made available to a person to play or  
1092 participate in a simulated gambling program in return for direct  
1093 or indirect consideration, including consideration associated with  
1094 a product, service or activity other than the simulated gambling  
1095 program; and

1096 (b) The person who plays or participates in the  
1097 simulated gambling program may become eligible to win, redeem or  
1098 otherwise obtain a cash or cash-equivalent prize, whether or not  
1099 the eligibility for or value of the prize is determined by or has  
1100 any relationship to the outcome or play of the program.

1101 (3) As used in this section, the following words and phrases  
1102 shall have the meanings ascribed in this subsection, unless the  
1103 context clearly indicates otherwise:



1104 (a) "Simulated gambling program" means any method  
1105 intended to be used by a person playing, participating or  
1106 interacting with an electronic video monitor that is offered by  
1107 another person or entity; that directly or indirectly implements  
1108 the predetermination of a cash or cash-equivalent prize, or  
1109 otherwise connects the player with the cash or cash-equivalent  
1110 prize; and that is not legal under the Mississippi Gaming Control  
1111 Act.

1112 (b) "Consideration associated with a product, service  
1113 or activity other than the simulated gambling program" means money  
1114 or other value collected for a product, service or activity that  
1115 is offered in any direct or indirect relationship to playing or  
1116 participating in the simulated gambling program. The term  
1117 includes consideration paid for Internet access or computer time,  
1118 or a sweepstakes entry.

1119 (c) "Electronic video monitor" means any unit,  
1120 mechanism, computer or other terminal, or device that is capable  
1121 of displaying moving or still images.

1122 (4) Any person or entity violating the provisions of this  
1123 section, upon conviction, shall be guilty of a misdemeanor and  
1124 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned  
1125 for not less than one (1) year, or both.

1126 (5) The provisions of this section shall not apply to:

1127 (a) Any lawful activity that is conducted for the  
1128 primary purpose of entertaining children under the age of eighteen



1129 (18) years, during which money is paid for a token or chip that is  
1130 used to play an electronic or other game, with the winner of the  
1131 game earning tickets that can be exchanged for prizes;

1132 (b) Any lawful marketing promotion, contest, prize or  
1133 sweepstakes that is designed to attract consumer attention to a  
1134 specific product or service which is offered for sale by the  
1135 manufacturer, distributor, vendor or retailer of the product or  
1136 service; or

1137 (c) Any promotional activity as defined in Section  
1138 75-76-5 that is conducted by a gaming licensee.

1139 **SECTION 21.** Section 97-33-305, Mississippi Code of 1972, is  
1140 brought forward as follows:

1141 97-33-305. (1) Fantasy contests are legal in this state. A  
1142 fantasy contest operator must comply with the provisions of this  
1143 section if the operator's total player roster for all fantasy  
1144 contests consists of one hundred (100) or more members of the  
1145 general public.

1146 (2) A fantasy contest operator must implement commercially  
1147 reasonable procedures for fantasy contests with an entry fee to:

1148 (a) Prevent employees of the operator, and relatives  
1149 living in the same household with an employee of an operator, from  
1150 competing in fantasy contests offered by an operator in which the  
1151 operator offers a cash prize;



- (b) Prevent sharing with third parties of confidential information that could affect fantasy contest play until the information is made publicly available;
- (c) Prevent the operator from participating in a fantasy contest offered by the operator;
- (d) Verify that a fantasy contest player is eighteen (18) years of age or older except as required in Section 97-33-307(5);
- (e) Ensure that individuals who participate or officiate in a sporting event or who own, manage or coach a team or player who participates in a sporting event will not knowingly be allowed to enter a fantasy contest that is determined, in whole or in part, on accumulated statistical results that include a sporting event in which the individual could be involved as an athlete, official, owner, manager or coach;
- (f) Allow individuals to restrict themselves from entering a fantasy contest upon request and provide reasonable steps to prevent the person from entering fantasy contests offered by the operator;
- (g) Disclose the number of entries that a player may submit to each fantasy contest and provide reasonable steps to prevent players from submitting more than the allowable number;
- (h) Restrict the number of entries submitted by a single player for any contest as follows:



1176 (i) An operator shall not allow a player to submit  
1177 more than one (1) entry in a contest involving twelve (12) or  
1178 fewer players.

1179 (ii) If the number of players in a contest is more  
1180 than twelve (12) but fewer than thirty-seven (37), an operator  
1181 shall not allow a player to submit more than two (2) entries.

1182 (iii) If the number of players in a contest is at  
1183 least thirty-seven (37) but no more than one hundred (100), an  
1184 operator shall not allow a player to submit more than three (3)  
1185 entries.

1186 (iv) In any contest involving more than one  
1187 hundred (100) players, an operator shall not allow a player to  
1188 submit more than the lesser of:

1191 (v) For all advertised fantasy contests, the  
1192 operator must prominently include information about the maximum  
1193 number of entries that may be submitted for that contest.

1194 (vi) An operator may establish fantasy contests in  
1195 which there is no restriction on the number of entries, if those  
1196 contests constitute less than two percent (2%) of the total number  
1197 of contests it offers, and if the operator clearly discloses:

1198 1. That there are no limits on the number of  
1199 entries by each player in the contest; and



2. That the cost of participating in such a

1201 contest is Fifty Dollars (\$50.00) or more per entry;

1202 (i) Offer introductory procedures for players that are  
1203 prominently displayed on the main page of the operator's platform  
1204 to explain contest play and how to identify a highly experienced  
1205 player;

1206 (j) Identify all highly experienced players in every  
1207 fantasy contest by a symbol attached to the players' usernames, or  
1208 by other easily visible means, on all platforms supported by the  
1209 operator; and

1210 (k) Segregate fantasy contest player funds from  
1211 operational funds or maintain a reserve in the form of cash, cash  
1212 equivalents, payment processor reserves and receivables, an  
1213 irrevocable letter of credit, a bond, or a combination thereof, in  
1214 the amount of the total account balances of the fantasy contest  
1215 players for the benefit and protection of the funds held in the  
1216 accounts.

1217 (3) An operator shall not offer contests based on the  
1218 performance of participants in collegiate, high school or youth  
1219 sports events.

1220 (4) A fantasy contest operator offering fantasy contests  
1221 with an entry fee in this state shall comply with audit procedures  
1222 adopted by the commission to ensure compliance with this section.



1223 (5) (a) Advertisements for contests and prizes offered by  
1224 an operator shall not target prohibited participants, minors, or  
1225 self-excluded persons.

1226 (b) Representations or implications about average  
1227 winnings from contests shall not be unfair or misleading. Such  
1228 representations shall include, at a minimum:

1229 (i) The median and mean net winnings of all  
1230 players participating in contests offered by the operator; and  
1231 (ii) The percentage of winnings awarded by the  
1232 operator to highly experienced players participating in contests  
1233 offered by the operator within the preceding calendar year.

1234 (6) Operators shall prohibit the use of third-party scripts  
1235 or scripting programs for any contest and ensure that measures are  
1236 in place to deter, detect and, to the extent reasonably possible,  
1237 prevent cheating, including collusion, and the use of cheating  
1238 devices, including use of software programs that submit entry fees  
1239 or adjust the athletes selected by a player.

1240 (7) The values of all prizes and awards offered to winning  
1241 players must be established and made known to the players in  
1242 advance of the contest.

1243           **SECTION 22.** Section 75-76-79, Mississippi Code of 1972, is  
1244       amended as follows:

1245 75-76-79. (1) (a) Except as otherwise provided in  
1246 paragraphs (b) and (c) of this subsection, it is unlawful for any  
1247 person, either as owner, lessee or employee, whether for hire or



1248 not, to operate, carry on, conduct or maintain any form of  
1249 manufacture, selling or distribution of any gaming device for use  
1250 or play in Mississippi or for distribution outside of Mississippi  
1251 without first procuring and maintaining all required federal and  
1252 state licenses.

1253 (b) A lessor who specifically acquires equipment for a  
1254 capital lease is not required to be licensed under this section.

1255 (c) The holder of a state gaming license or the holding  
1256 company of a corporate licensee may, within two (2) years after  
1257 cessation of business or upon specific approval by the executive  
1258 director, dispose of by sale in a manner approved by the executive  
1259 director, any or all of its gaming devices, including slot  
1260 machines, without a distributor's license. In cases of bankruptcy  
1261 of a state gaming licensee or foreclosure of a lien by a bank or  
1262 other person holding a security interest for which gaming devices  
1263 are security, in whole or in part, for the lien, the executive  
1264 director may authorize the disposition of the gaming devices  
1265 without requiring a distributor's license.

1266 (d) Any person whom the commission determines is a  
1267 suitable person to receive a license under the provisions of this  
1268 section may be issued a manufacturer's or distributor's license.  
1269 The burden of proving his qualification to receive or hold a  
1270 license under this section is at all times on the applicant or  
1271 licensee.



1272 (e) Every person who must be licensed pursuant to this  
1273 section is subject to the provisions of Sections 75-76-199 through  
1274 75-76-265, unless exempted from those provisions by the  
1275 commission.

1276 (f) The commission may exempt, for any purpose, a  
1277 manufacturer, seller or distributor from the provisions of  
1278 Sections 75-76-199 through 75-76-265, if the commission determines  
1279 that the exemption is consistent with the purposes of this  
1280 chapter.

1281 (g) As used in this section, "holding company" has the  
1282 meaning ascribed to it in Section 75-76-199.

1283 (2) If the commission determines that a manufacturer or  
1284 distributor is unsuitable to receive or hold a license:

1285 (a) No new gaming device or associated equipment  
1286 manufactured by the manufacturer or distributed by the distributor  
1287 may be approved;

1288 (b) Any previously approved device or associated  
1289 equipment manufactured by the manufacturer or distributed by the  
1290 distributor is subject to revocation of approval if the reasons  
1291 for the denial of the license also apply to that device or  
1292 associated equipment;

1293 (c) No new device or associated equipment manufactured  
1294 by the manufacturer or distributed by the distributor may be sold,  
1295 transferred or offered for use or play in Mississippi; and



1296 (d) Any association or agreement between the  
1297 manufacturer or distributor and a licensee must be terminated,  
1298 unless otherwise provided by the commission. An agreement between  
1299 such a manufacturer or distributor of gaming devices or associated  
1300 equipment and a licensee shall be deemed to include a provision  
1301 for its termination without liability on the part of the licensee  
1302 upon a finding by the commission that the manufacturer is  
1303 unsuitable to be associated with a gaming enterprise. Failure to  
1304 include that condition in the agreement is not a defense in any  
1305 action brought pursuant to this section to terminate the  
1306 agreement.

1307 (3) Failure of a licensee to terminate any association or  
1308 agreement with a manufacturer or distributor of gaming devices or  
1309 associated equipment after receiving notice of a determination of  
1310 unsuitability, the denial of a license or failure to file a timely  
1311 application for a license, is an unsuitable method of operation.

1312 (4) There is hereby imposed and levied on each applicant for  
1313 a manufacturer's, seller's or distributor's license under this  
1314 section an annual license fee in the following amount:

1315 (a) For the issuance or continuation of a  
1316 manufacturer's license, One Thousand Dollars (\$1,000.00).

1317 (b) For the issuance or continuation of a seller's or  
1318 distributor's license, Five Hundred Dollars (\$500.00).

1319 This fee is to be paid by the applicant to the \* \* \*

1320 Department of Revenue on or before the filing of the application



1321 for a manufacturer's, seller's or distributor's license by the  
1322 applicant. Upon such payment the \* \* \* Commissioner of Revenue  
1323 shall certify to the executive director that such fee has been  
1324 paid by the applicant.

1325 Except for those amounts that a person issued a  
1326 manufacturer's license under this section may charge for goods  
1327 supplied or services rendered, the person holding the  
1328 manufacturer's license may not be directly reimbursed by a holder  
1329 of a gaming license for the cost of any fee paid by the person for  
1330 the issuance or continuation of such a license, whether imposed  
1331 under this section or any other provision of this chapter.

1332 (5) A manufacturer or distributor of associated equipment  
1333 who sells, transfers or offers the associated equipment for use or  
1334 play in Mississippi may be required by the executive director to  
1335 file an application for a finding of suitability to be a  
1336 manufacturer or distributor of associated equipment.

1337 Any person who directly or indirectly involves himself in the  
1338 sale, transfer or offering for use or play in Mississippi of  
1339 associated equipment who is not otherwise required to be licensed  
1340 as a manufacturer or distributor may be required by the executive  
1341 director to file an application for a finding of suitability to be  
1342 a manufacturer or distributor of associated equipment.

1343 If an application for a finding of suitability is not  
1344 submitted within thirty (30) days after demand by the executive



1345 director, he may pursue any remedy or combination of remedies  
1346 provided in this chapter.

1347 (6) The executive director and his employees may inspect  
1348 every gaming device which is manufactured, sold or distributed:

1349 (a) For use in this state, before the gaming device is  
1350 put into play.

1351 (b) In this state for use outside this state, before  
1352 the gaming device is shipped out of this state.

1353 The executive director may inspect every gaming device which  
1354 is offered for play within this state by a licensee.

1355 The executive director may inspect all associated equipment  
1356 which is manufactured, sold or distributed for use in this state  
1357 before the equipment is installed or used by a gaming licensee.

1358 In addition to all other fees and charges imposed by this  
1359 chapter, the executive director may determine an inspection fee  
1360 with regard to each manufacturer, seller or distributor which must  
1361 not exceed the actual cost of inspection and investigation. Upon  
1362 such determination, the executive director shall certify to  
1363 the \* \* \* Commissioner of Revenue the amount of the inspection fee  
1364 and the name and address of the applicant. Upon such  
1365 certification the \* \* \* Department of Revenue shall proceed to  
1366 assess and collect such inspection fee from the applicant.

1367 **SECTION 23.** Section 97-33-25, Mississippi Code of 1972, is  
1368 amended as follows:



1369        97-33-25. If any person shall sell or buy, either directly  
1370 or indirectly, any chance in what is commonly called pool, upon  
1371 any event whatever, or shall in any manner engage in such business  
1372 or pastime, he shall be fined not more than Five Hundred Dollars  
1373 (\$500.00) or shall be imprisoned in the county jail not more than  
1374 ninety (90) days; provided, however, this section shall not apply  
1375 to betting, gaming or wagering:

1376                (a) On a cruise vessel as defined in Section 27-109-1  
1377 whenever such vessel is in the waters within the State of  
1378 Mississippi, which lie adjacent to the State of Mississippi south  
1379 of the three (3) most southern counties in the State of  
1380 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1381 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1382 of the county in which the port is located have not voted to  
1383 prohibit such betting, gaming or wagering on cruise vessels as  
1384 provided in Section 19-3-79;

1385                (b) In a structure located in whole or in part on shore  
1386 in any of the three (3) most southern counties in the State of  
1387 Mississippi in which the registered voters of the county have  
1388 voted to allow such betting, gaming or wagering on cruise vessels  
1389 as provided in Section 19-3-79, if:

1390                        (i) The structure is owned, leased or controlled  
1391 by a person possessing a gaming license, as defined in Section  
1392 75-76-5, to conduct legal gaming \* \* \* at a location that was  
1393 legal for dockside gaming prior to August 29, 2005;



1394 (ii) The part of the structure in which licensed  
1395 gaming activities are conducted is located entirely in an area  
1396 which is located no more than eight hundred (800) feet from the  
1397 mean high-water line (as defined in Section 29-15-1) of the waters  
1398 within the State of Mississippi, which lie adjacent to the State  
1399 of Mississippi south of the three (3) most southern counties in  
1400 the State of Mississippi, including the Mississippi Sound, St.  
1401 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
1402 Mississippi Sound at Harrison County only, no farther north than  
1403 the southern boundary of the right-of-way for U.S. Highway 90,  
1404 whichever is greater; and in determining the distance to the mean  
1405 high-water line, the following considerations apply:

1406 1. Rights-of-way and easements for public  
1407 streets and highways shall not be construed to interrupt the  
1408 contiguous nature of a parcel of property, nor shall the footage  
1409 contained within such easements and rights-of-way be considered in  
1410 the calculation of the distances specified in subparagraph (ii) of  
1411 this paragraph; and

1412 2. An imaginary line drawn from any point  
1413 along the mean high-water line referenced and utilized pursuant to  
1414 subparagraph (ii) of this paragraph to any other point of  
1415 reference must cross only property under the exclusive use and  
1416 control of the gaming licensee or proposed licensee based on its  
1417 ownership or lease thereof, except for rights-of-way and easements  
1418 for public streets and highways; and



1419 (iii) In the case of a structure that is located  
1420 in whole or part on shore, the part of the structure in which  
1421 licensed gaming activities are conducted shall \* \* \* be located  
1422 on:

1435 (c) On a vessel as defined in Section 27-109-1 whenever  
1436 such vessel is on the Mississippi River or navigable waters within  
1437 any county bordering on the Mississippi River, and in which the  
1438 registered voters of the county in which the port is located have  
1439 not voted to prohibit such betting, gaming or wagering on vessels  
1440 as provided in Section 19-3-79; or

1441 (d) That is legal under the laws of the State of  
1442 Mississippi.



1443           **SECTION 24.** Section 97-33-1, Mississippi Code of 1972, is  
1444       amended as follows:

1445           97-33-1. Except as otherwise provided in Section 97-33-8, if  
1446       any person shall encourage, promote or play at any game, play or  
1447       amusement, other than a fight or fighting match between dogs, for  
1448       money or other valuable thing, or shall wager or bet, promote or  
1449       encourage the wagering or betting of any money or other valuable  
1450       things, upon any game, play, amusement, cockfight, Indian ball  
1451       play or duel, other than a fight or fighting match between dogs,  
1452       or upon the result of any election, event or contingency whatever,  
1453       upon conviction thereof, he shall be fined in a sum not more than  
1454       Five Hundred Dollars (\$500.00); and, unless such fine and costs be  
1455       immediately paid, shall be imprisoned for any period not more than  
1456       ninety (90) days. However, this section shall not apply to  
1457       betting, gaming or wagering:

1458           (a) On a cruise vessel as defined in Section 27-109-1  
1459       whenever such vessel is in the waters within the State of  
1460       Mississippi, which lie adjacent to the State of Mississippi south  
1461       of the three (3) most southern counties in the State of  
1462       Mississippi, including the Mississippi Sound, St. Louis Bay,  
1463       Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1464       of the county in which the port is located have not voted to  
1465       prohibit such betting, gaming or wagering on cruise vessels as  
1466       provided in Section 19-3-79;



1467 (b) In a structure located, in whole or in part, on  
1468 shore in any of the three (3) most southern counties in the State  
1469 of Mississippi in which the registered voters of the county have  
1470 voted to allow such betting, gaming or wagering on cruise vessels  
1471 as provided in Section 19-3-79, if:

1472 (i) The structure is owned, leased or controlled  
1473 by a person possessing a gaming license, as defined in Section  
1474 75-76-5, to conduct legal gaming \* \* \* at a location that was  
1475 legal for dockside gaming prior to August 29, 2005;

1476 (ii) The part of the structure in which licensed  
1477 gaming activities are conducted is located entirely in an area  
1478 which is located no more than eight hundred (800) feet from the  
1479 mean high-water line (as defined in Section 29-15-1) of the waters  
1480 within the State of Mississippi, which lie adjacent to the State  
1481 of Mississippi south of the three (3) most southern counties in  
1482 the State of Mississippi, including the Mississippi Sound, St.  
1483 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
1484 Mississippi Sound at Harrison County only, no farther north than  
1485 the southern boundary of the right-of-way for U.S. Highway 90,  
1486 whichever is greater; and in determining the distance to the mean  
1487 high-water line, the following considerations apply:

1488 1. Rights-of-way and easements for public  
1489 streets and highways shall not be construed to interrupt the  
1490 contiguous nature of a parcel of property, nor shall the footage  
1491 contained within such easements and rights-of-way be considered in



1492 the calculation of the distances specified in subparagraph (ii) of  
1493 this paragraph; and

1494 2. An imaginary line drawn from any point  
1495 along the mean high-water line referenced and utilized pursuant to  
1496 subparagraph (ii) of this paragraph to any other point of  
1497 reference must cross only property under the exclusive use and  
1498 control of the gaming licensee or proposed licensee based on its  
1499 ownership or lease thereof, except for rights-of-way and easements  
1500 for public streets and highways; and

1501 (iii) In the case of a structure that is located  
1502 in whole or part on shore, the part of the structure in which  
1503 licensed gaming activities are conducted shall \* \* \* be located  
1504 on:

1505 1. Property entirely under the exclusive use  
1506 and control of the gaming licensee or proposed licensee based on  
1507 its ownership or lease thereof that extends from the gaming floor  
1508 to the mean high-water line and such land is capable of  
1509 accommodating the minimum improvement requirements set forth in  
1510 Section 75-76-67(4); and

1511 2. The entire parcel(s) of land used to  
1512 establish the necessary ownership and/or lease and control of the  
1513 property to the mean high-water line must be immediately adjacent  
1514 to waters at a location which would have qualified as a legal  
1515 gaming site for docking a cruise vessel under paragraph (a) of  
1516 this section prior to August 29, 2005;



1517 (c) On a vessel as defined in Section 27-109-1 whenever  
1518 such vessel is on the Mississippi River or navigable waters within  
1519 any county bordering on the Mississippi River, and in which the  
1520 registered voters of the county in which the port is located have  
1521 not voted to prohibit such betting, gaming or wagering on vessels  
1522 as provided in Section 19-3-79; or

1523 (d) That is legal under the laws of the State of  
1524 Mississippi.

1525           **SECTION 25.** Section 97-33-7, Mississippi Code of 1972, is  
1526       amended as follows:

1527 97-33-7. (1) Except as otherwise provided in Section  
1528 97-33-8, it shall be unlawful for any person or persons, firm,  
1529 copartnership or corporation to have in possession, own, control,  
1530 display, or operate any cane rack, knife rack, artful dodger,  
1531 punch board, roll down, merchandise wheel, slot machine, pinball  
1532 machine, or similar device or devices. Provided, however, that  
1533 this section shall not be so construed as to make unlawful the  
1534 ownership, possession, control, display or operation of any  
1535 antique coin machine as defined in Section 27-27-12, or any music  
1536 machine or bona fide automatic vending machine where the purchaser  
1537 receives exactly the same quantity of merchandise on each  
1538 operation of said machine. Any slot machine other than an antique  
1539 coin machine as defined in Section 27-27-12 which delivers, or is  
1540 so constructed as that by operation thereof it will deliver to the  
1541 operator thereof anything of value in varying quantities, in



1542 addition to the merchandise received, and any slot machine other  
1543 than an antique coin machine as defined in Section 27-27-12 that  
1544 is constructed in such manner as that slugs, tokens, coins or  
1545 similar devices are, or may be, used and delivered to the operator  
1546 thereof in addition to merchandise of any sort contained in such  
1547 machine, is hereby declared to be a gambling device, and shall be  
1548 deemed unlawful under the provisions of this section. Provided,  
1549 however, that pinball machines which do not return to the operator  
1550 or player thereof anything but free additional games or plays  
1551 shall not be deemed to be gambling devices, and neither this  
1552 section nor any other law shall be construed to prohibit same.

1553 (2) No property right shall exist in any person, natural or  
1554 artificial, or be vested in such person, in any or all of the  
1555 devices described herein that are not exempted from the provisions  
1556 of this section; and all such devices are hereby declared to be at  
1557 all times subject to confiscation and destruction, and their  
1558 possession shall be unlawful, except when in the possession of  
1559 officers carrying out the provisions of this section. It shall be  
1560 the duty of all law enforcing officers to seize and immediately  
1561 destroy all such machines and devices.

1562 (3) A first violation of the provisions of this section  
1563 shall be deemed a misdemeanor, and the party offending shall, upon  
1564 conviction, be fined in any sum not exceeding Five Hundred Dollars  
1565 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
1566 in the discretion of the court. In the event of a second



1567 conviction for a violation of any of the provisions of this  
1568 section, the party offending shall be subject to a sentence of not  
1569 less than six (6) months in the county jail, nor more than two (2)  
1570 years in the State Penitentiary, in the discretion of the trial  
1571 court.

1572 (4) Notwithstanding any provision of this section to the  
1573 contrary, it shall not be unlawful to operate any equipment or  
1574 device described in subsection (1) of this section or any gaming,  
1575 gambling or similar device or devices by whatever name called  
1576 while:

1577 (a) On a cruise vessel as defined in Section 27-109-1  
1578 whenever such vessel is in the waters within the State of  
1579 Mississippi, which lie adjacent to the State of Mississippi south  
1580 of the three (3) most southern counties in the State of  
1581 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1582 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1583 of the county in which the port is located have not voted to  
1584 prohibit such betting, gaming or wagering on cruise vessels as  
1585 provided in Section 19-3-79;

1586 (b) In a structure located, in whole or in part, on  
1587 shore in any of the three (3) most southern counties in the State  
1588 of Mississippi in which the registered voters of the county have  
1589 voted to allow such betting, gaming or wagering on cruise vessels  
1590 as provided in Section 19-3-79, if:



1591 (i) The structure is owned, leased or controlled  
1592 by a person possessing a gaming license, as defined in Section  
1593 75-76-5, to conduct legal gaming \* \* \* at a location that was  
1594 legal for dockside gaming prior to August 29, 2005;

1595 (ii) The part of the structure in which licensed  
1596 gaming activities are conducted is located entirely in an area  
1597 which is located no more than eight hundred (800) feet from the  
1598 mean high-water line (as defined in Section 29-15-1) of the waters  
1599 within the State of Mississippi, which lie adjacent to the State  
1600 of Mississippi south of the three (3) most southern counties in  
1601 the State of Mississippi, including the Mississippi Sound, St.  
1602 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
1603 Mississippi Sound at Harrison County only, no farther north than  
1604 the southern boundary of the right-of-way for U.S. Highway 90,  
1605 whichever is greater; and in determining the distance to the mean  
1606 high-water line, the following considerations apply:

1613 2. An imaginary line drawn from any point  
1614 along the mean high-water line referenced and utilized pursuant to  
1615 subparagraph (ii) of this paragraph to any other point of



1616 reference must cross only property under the exclusive use and  
1617 control of the gaming licensee or proposed licensee based on its  
1618 ownership or lease thereof, except for rights-of-way and easements  
1619 for public streets and highways; and

1620 (iii) In the case of a structure that is located  
1621 in whole or part on shore, the part of the structure in which  
1622 licensed gaming activities are conducted shall \* \* \* be located  
1623 on:

1624 1. Property entirely under the exclusive use  
1625 and control of the gaming licensee or proposed licensee based on  
1626 its ownership or lease thereof that extends from the gaming floor  
1627 to the mean high-water line and such land is capable of  
1628 accommodating the minimum improvement requirements set forth in  
1629 Section 75-76-67(4); and

1630 2. The entire parcel(s) of land used to  
1631 establish the necessary ownership and/or lease and control of the  
1632 property to the mean high-water line must be immediately adjacent  
1633 to waters at a location which would have qualified as a legal  
1634 gaming site for docking a cruise vessel under paragraph (a) of  
1635 this subsection prior to August 29, 2005;

1636 (c) On a vessel as defined in Section 27-109-1 whenever  
1637 such vessel is on the Mississippi River or navigable waters within  
1638 any county bordering on the Mississippi River, and in which the  
1639 registered voters of the county in which the port is located have



1640 not voted to prohibit such betting, gaming or wagering on vessels  
1641 as provided in Section 19-3-79; or  
1642 (d) That is legal under the laws of the State of  
1643 Mississippi.

1644 (5) Notwithstanding any provision of this section to the  
1645 contrary, it shall not be unlawful (a) to own, possess, repair or  
1646 control any gambling device, machine or equipment in a licensed  
1647 gaming establishment or on the business premises appurtenant to  
1648 any such licensed gaming establishment during any period of time  
1649 in which such licensed gaming establishment is being constructed,  
1650 repaired, maintained or operated in this state; (b) to install any  
1651 gambling device, machine or equipment in any licensed gaming  
1652 establishment; (c) to possess or control any gambling device,  
1653 machine or equipment during the process of procuring or  
1654 transporting such device, machine or equipment for installation on  
1655 any such licensed gaming establishment; or (d) to store in a  
1656 warehouse or other storage facility any gambling device, machine,  
1657 equipment, or part thereof, regardless of whether the county or  
1658 municipality in which the warehouse or storage facility is located  
1659 has approved gaming aboard cruise vessels or vessels, provided  
1660 that such device, machine or equipment is operated only in a  
1661 county or municipality that has approved gaming aboard cruise  
1662 vessels or vessels. Any gambling device, machine or equipment  
1663 that is owned, possessed, controlled, installed, procured,  
1664 repaired, transported or stored in accordance with this subsection



1665 shall not be subject to confiscation, seizure or destruction, and  
1666 any person, firm, partnership or corporation which owns,  
1667 possesses, controls, installs, procures, repairs, transports or  
1668 stores any gambling device, machine or equipment in accordance  
1669 with this subsection shall not be subject to any prosecution or  
1670 penalty under this section. Any person constructing or repairing  
1671 such cruise vessels or vessels within a municipality shall comply  
1672 with all municipal ordinances protecting the general health or  
1673 safety of the residents of the municipality.

1674        **SECTION 26.** (1) **Establishment of Mississippi HOPE**

1675 **Scholarship Program.** The funding proceeds allocated under this  
1676 act shall be dedicated to the establishment and maintenance of the  
1677 Mississippi HOPE Scholarship Program. The Office of Student  
1678 Financial Aid (OSFA) of the Board of Trustees of State  
1679 Institutions of Higher Learning shall be responsible for the  
1680 development of a new scholarship program or the enhancement of  
1681 existing programs to ensure maximum college access, affordability  
1682 and degree completion rates for the greatest number of  
1683 Mississippians. There is hereby created the Mississippi HOPE  
1684 Scholarship Program Fund which shall be a special fund in the  
1685 State Treasury for the purpose of receiving and disbursing funds  
1686 under this act.

1687        (2) (a) **Access and affordability.** The program shall  
1688 prioritize financial support for students from underserved  
1689 communities to remove economic barriers to higher education.



1690 (b) **Completion support.** The OSFA shall implement  
1691 initiatives to improve retention and graduation rates, including  
1692 academic counseling, mentorship programs and wraparound services.

1693 (c) **Alignment with workforce needs.** Priority for  
1694 funding may be given to students pursuing degrees or  
1695 certifications in high-demand industries as determined by  
1696 Accelerate Mississippi.

1697 (3) **Coordination and reporting.** The OSFA shall collaborate  
1698 with institutions of higher learning, community colleges and  
1699 workforce development entities to identify eligible degree and  
1700 certification programs. The OSFA shall submit an annual report to  
1701 the Legislature detailing the program's performance, including the  
1702 number of scholarships awarded, student outcomes and employment  
1703 rates in high-demand sectors.

1704 (4) This section shall be implemented no later than the next  
1705 fiscal year following the passage of this act.

1706        **SECTION 27.** There is hereby created the "Mobile Sports  
1707 Wagering Tax Fund," which shall consist of taxes and fees  
1708 collected under this section. The Department of Revenue shall be  
1709 custodian of the fund. Any interest and monies earned on such  
1710 investments shall be credited to the fund. The fund shall be a  
1711 dedicated fund and shall be distributed as follows:

1712 (a) The first Six Thousand Dollars (\$6,000,000)  
1713 deposited to the Mobile Sports Wagering Tax fund each year shall  
1714 be transferred into the Retail Sports Wagering Protection Fund,



1715 which is hereby created. At the end of each calendar year, any  
1716 casino whose total annual sports wagering revenue is below the  
1717 total annual retail sports wagering revenue the same casino  
1718 received in 2024 may apply for a portion of the funds in the  
1719 Retail Sports Wagering Protection Fund. The Gaming Commission  
1720 shall allocate funds in the Retail Sports Wagering Protection Fund  
1721 proportionately among eligible applicants, but in no case shall a  
1722 casino receive more funds than the amount of the difference  
1723 between its current year retail sports wagering revenue and 2024  
1724 sports wagering revenue. Any funds remaining in the Retail Sports  
1725 Wagering Protection Fund after this distribution shall be returned  
1726 to the Mobile Sports Wagering Tax Fund for distribution in  
1727 compliance with paragraph (b) of this section.

1728 (b) The remainder of funds in the Mobile Sports  
1729 Wagering Tax Fund shall be paid on or before the last day of each  
1730 month by the Department of Revenue to the State Treasurer to be  
1731 deposited in the Emergency Road and Bridge Repair Fund created in  
1732 Section 65-1-179.

1733 **SECTION 28.** This act shall take effect and be in force from  
1734 and after July 1, 2025; however, online sports pool or online race  
1735 book activities shall commence outside of a licensed gaming  
1736 premises not later than January 9, 2026.