

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



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

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

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

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

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

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

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

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

(e) "Gross revenue" means the same as defined in 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 (l) "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



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

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

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



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

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

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

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

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

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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

- (a) A person of good character, honesty and integrity;
- (b) A person whose prior activities, criminal record, 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:



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

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

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

(i) A parking facility in close proximity to the casino complex to accommodate a minimum of five hundred (500) cars;

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

(iii) A restaurant capable of seating at least two hundred (200) people;



(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



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

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

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

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



licensed gaming activities are conducted shall * * * be located
on:

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

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

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

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

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



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

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

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

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

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

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

658 (y) "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 (ll) "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.



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

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

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

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

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

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

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



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

(a) Be incorporated:

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

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

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

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

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

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

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

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



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

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

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

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

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

(d) Requiring fingerprinting of an applicant or licensee, and gaming employees of a licensee, or other methods of identification and the forwarding of all fingerprints taken 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:

827 (i) Attempt to set the fees at levels that will
828 create a balance in the Mississippi Gaming Commission Fund that
829 does not exceed, at the end of any state fiscal year, two percent
830 (2%) of the projected amount of funds that will provide the
831 commission with such sufficient revenue; and



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

(a) Is signed by a patron; and

(b) States the amount of the debt in figures.

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

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

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

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



calendar month and does not exceed One Hundred Thirty-four
Thousand Dollars (\$134,000.00) per calendar month; and

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

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

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

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

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

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

1046 1. Rights-of-way and easements for public
1047 streets and highways shall not be construed to interrupt the
1048 contiguous nature of a parcel of property, nor shall the footage
1049 contained within such easements and rights-of-way be considered in
1050 the calculation of the distances specified in subparagraph (ii) of
1051 this paragraph; and

1052 2. An imaginary line drawn from any point
1053 along the mean high-water line referenced and utilized pursuant to
1054 subparagraph (ii) of this paragraph to any other point of



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

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

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

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

(c) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the 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;



1152 (b) Prevent sharing with third parties of confidential
1153 information that could affect fantasy contest play until the
1154 information is made publicly available;

1155 (c) Prevent the operator from participating in a
1156 fantasy contest offered by the operator;

1157 (d) Verify that a fantasy contest player is eighteen
1158 (18) years of age or older except as required in Section
1159 97-33-307(5);

1160 (e) Ensure that individuals who participate or
1161 officiate in a sporting event or who own, manage or coach a team
1162 or player who participates in a sporting event will not knowingly
1163 be allowed to enter a fantasy contest that is determined, in whole
1164 or in part, on accumulated statistical results that include a
1165 sporting event in which the individual could be involved as an
1166 athlete, official, owner, manager or coach;

1167 (f) Allow individuals to restrict themselves from
1168 entering a fantasy contest upon request and provide reasonable
1169 steps to prevent the person from entering fantasy contests offered
1170 by the operator;

1171 (g) Disclose the number of entries that a player may
1172 submit to each fantasy contest and provide reasonable steps to
1173 prevent players from submitting more than the allowable number;

1174 (h) Restrict the number of entries submitted by a
1175 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:

1189 1. Three percent (3%) of all entries; or
1190 2. One hundred fifty (150) entries.

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



1200 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.



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

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

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

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

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

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

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

75-76-79. (1) (a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, it is unlawful for any 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:

1423 1. Property entirely under the exclusive use
1424 and control of the gaming licensee or proposed licensee based on
1425 its ownership or lease thereof that extends from the gaming floor
1426 to the mean high-water line and such land is capable of
1427 accommodating the minimum improvement requirements set forth in
1428 Section 75-76-67(4); and

1429 2. The entire parcel(s) of land used to
1430 establish the necessary ownership and/or lease and control of the
1431 property to the mean high-water line must be immediately adjacent
1432 to waters at a location which would have qualified as a legal
1433 gaming site for docking a cruise vessel under paragraph (a) of
1434 this section prior to August 29, 2005;

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



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

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

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

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

2. The entire parcel(s) of land used to establish the necessary ownership and/or lease and control of the property to the mean high-water line must be immediately adjacent to waters at a location which would have qualified as a legal gaming site for docking a cruise vessel under paragraph (a) of 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:

1607 1. Rights-of-way and easements for public
1608 streets and highways shall not be construed to interrupt the
1609 contiguous nature of a parcel of property, nor shall the footage
1610 contained within such easements and rights-of-way be considered in
1611 the calculation of the distances specified in subparagraph (ii) of
1612 this paragraph; and

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.



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

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

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

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

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

(a) The first Six Thousand Dollars (\$6,000,000) deposited to the Mobile Sports Wagering Tax fund each year shall 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.

