

By: Senator(s) DeBar

To: Gaming

SENATE BILL NO. 2385

1 AN ACT TO AMEND SECTIONS 97-33-303 AND 97-33-305, MISSISSIPPI
2 CODE OF 1972, TO CLARIFY THAT OPERATORS OF A FANTASY CONTEST WHICH
3 INCLUDES SET BENCHMARKS FOR CONTESTANTS TO PICK AGAINST ARE NOT IN
4 VIOLATION OF THE MISSISSIPPI GAMBLING STATUTES; AND FOR RELATED
5 PURPOSES.

6 **SECTION 1.** Section 97-33-303, Mississippi Code of 1972, is
7 amended as follows:

8 97-33-303. As used in Sections 97-33-301 through 97-33-317,
9 the following terms shall have the meanings ascribed unless the
10 context requires otherwise:

11 (a) "Cash prize" means winnings in the form of cash or
12 cash equivalents and includes credits to a player's account with
13 an operator.

14 (b) "Commission" means the Mississippi Gaming
15 Commission created in Section 75-76-7.

16 (c) "Confidential information" means information
17 related to the play of a fantasy contest by fantasy contest
18 players obtained as a result of or by virtue of a person's
19 employment.



(d) "Entry fee" means cash or a cash equivalent that is required to be paid to an operator to participate in a fantasy contest.

(e) "Executive director" means the Executive Director of the Mississippi Gaming Commission.

(f) "Fantasy contest" or "contest" means a simulated game in which:

(i) Winning outcomes are determined predominately by accumulated statistical results of the performance of individual athletes in actual sporting events; and

(ii) Winning outcomes are not based on the score, point spread, or any performance of any single actual sports team or combination of teams or solely on any single performance of an individual athlete in any single actual sporting event; and

(iii) Winning outcomes may be determined by the performance of multiple athletes against statistical benchmarks set by the operator.

(g) "Highly experienced player" means an individual who has:

(i) Entered more than one thousand (1,000) contests offered by a particular operator; or

(ii) Won more than three (3) prizes which are each valued at One Thousand Dollars (\$1,000.00) or more, from a particular operator.



(h) "Operator" or "fantasy contest operator" means a person or entity that offers fantasy contests, requires an entry fee, and offers a cash prize.

(i) "Player" means a person who participates in a fantasy contest offered by an operator.

(j) "Sporting event" means an athletic game or team competition in which an individual athlete's performance is used to accumulate statistical results.

SECTION 2. Section 97-33-305, Mississippi Code of 1972, is amended as follows:

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

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

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

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



(c) Prevent the operator from participating in a fantasy contest offered by the operator; provided, however, that winning outcomes may be determined by the performance of multiple athletes against statistical benchmarks set by the operator;

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

125 (k) Segregate fantasy contest player funds from
126 operational funds or maintain a reserve in the form of cash, cash
127 equivalents, payment processor reserves and receivables, an
128 irrevocable letter of credit, a bond, or a combination thereof, in
129 the amount of the total account balances of the fantasy contest
130 players for the benefit and protection of the funds held in the
131 accounts.

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

135 (4) A fantasy contest operator offering fantasy contests
136 with an entry fee in this state shall comply with audit procedures
137 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 3. This act shall take effect and be in force from and after July 1, 2025.

