

By: Representatives Eure, Felsher

To: Gaming; Ways and Means

HOUSE BILL NO. 997

1 AN ACT TO AMEND SECTION 97-33-1, MISSISSIPPI CODE OF 1972, TO
 2 LEGALIZE ONLINE BETTING, GAMING AND WAGERING ON SPORTING EVENTS,
 3 ATHLETIC EVENTS AND EVENTS AUTHORIZED BY THE MISSISSIPPI GAMING
 4 COMMISSION UNDER CERTAIN CONDITIONS; TO BRING FORWARD SECTIONS
 5 75-76-5, 75-76-33, 75-76-55, 75-76-79, 75-76-89, 75-76-101,
 6 75-76-175, 75-76-177 AND 97-33-305, MISSISSIPPI CODE OF 1972, FOR
 7 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 97-33-1, Mississippi Code of 1972, is
 10 amended as follows:

11 97-33-1. (1) Except as otherwise provided in Section
 12 97-33-8, if any person shall encourage, promote or play at any
 13 game, play or amusement, other than a fight or fighting match
 14 between dogs, for money or other valuable thing, or shall wager or
 15 bet, promote or encourage the wagering or betting of any money or
 16 other valuable things, upon any game, play, amusement, cockfight,
 17 Indian ball play or duel, other than a fight or fighting match
 18 between dogs, or upon the result of any election, event or
 19 contingency whatever, upon conviction thereof, he shall be fined
 20 in a sum not more than Five Hundred Dollars (\$500.00); and, unless



21 such fine and costs be immediately paid, shall be imprisoned for
22 any period not more than ninety (90) days. However, this section
23 shall not apply to betting, gaming or wagering:

24 (a) On a cruise vessel as defined in Section 27-109-1
25 whenever such vessel is in the waters within the State of
26 Mississippi, which lie adjacent to the State of Mississippi south
27 of the three (3) most southern counties in the State of
28 Mississippi, including the Mississippi Sound, St. Louis Bay,
29 Biloxi Bay and Pascagoula Bay, and in which the registered voters
30 of the county in which the port is located have not voted to
31 prohibit such betting, gaming or wagering on cruise vessels as
32 provided in Section 19-3-79;

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

38 (i) The structure is owned, leased or controlled
39 by a person possessing a gaming license, as defined in Section
40 75-76-5, to conduct legal gaming on a cruise vessel under
41 paragraph (a) of this section;

42 (ii) The part of the structure in which licensed
43 gaming activities are conducted is located entirely in an area
44 which is located no more than eight hundred (800) feet from the
45 mean high-water line (as defined in Section 29-15-1) of the waters



46 within the State of Mississippi, which lie adjacent to the State
47 of Mississippi south of the three (3) most southern counties in
48 the State of Mississippi, including the Mississippi Sound, St.
49 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
50 Harrison County only, no farther north than the southern boundary
51 of the right-of-way for U.S. Highway 90, whichever is greater; and

52 (iii) In the case of a structure that is located
53 in whole or part on shore, the part of the structure in which
54 licensed gaming activities are conducted shall lie adjacent to
55 state waters south of the three (3) most southern counties in the
56 State of Mississippi, including the Mississippi Sound, St. Louis
57 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
58 structure is located consists of a parcel of real property,
59 easements and rights-of-way for public streets and highways shall
60 not be construed to interrupt the contiguous nature of the parcel,
61 nor shall the footage contained within the easements and
62 rights-of-way be counted in the calculation of the distances
63 specified in subparagraph (ii);

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



70 (d) On an Internet platform that offers betting, gaming
71 or wagering on sporting events or athletic events or any events
72 authorized by the Mississippi Gaming Commission offered by a
73 person or entity through a gaming license that authorizes the
74 operation of a licensed gaming establishment, as those terms are
75 defined in Section 75-76-5, provided such an Internet platform:

76 (i) Does not offer or conduct betting, gaming or
77 wagering on an Internet-based version of a gambling game, as that
78 term is defined in Section 75-76-5, or of bingo games or raffles
79 held under Section 97-33-51;

80 (ii) Is limited to a single Internet platform per
81 gaming license;

82 (iii) Requires a participant of an Internet
83 platform to register in-person at its affiliated licensed gaming
84 establishment at least once every twelve (12) months;

85 (iv) Complies with federal law; and

86 (v) Received permission from the Executive
87 Director of the Mississippi Gaming Commission to so offer the
88 Internet platform; or

89 (* * *e) That is legal under the laws of the State of
90 Mississippi.

91 (2) Subsection (1)(d) of this section shall stand repealed
92 from and after July 1, 2023.

93 **SECTION 2.** Section 75-76-5, Mississippi Code of 1972, is
94 brought forward as follows:



95 75-76-5. As used in this chapter, unless the context
96 requires otherwise:

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

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

108 (c) "Associated equipment" means any equipment or
109 mechanical, electromechanical or electronic contrivance, component
110 or machine used remotely or directly in connection with gaming or
111 with any game, race book or sports pool that would not otherwise
112 be classified as a gaming device, including dice, playing cards,
113 links which connect to progressive slot machines, equipment which
114 affects the proper reporting of gross revenue, computerized
115 systems of betting at a race book or sports pool, computerized
116 systems for monitoring slot machines, and devices for weighing or
117 counting money.

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



120 State Tax Commission." "Chairman of the State Tax Commission" or
121 "commissioner" means the Commissioner of Revenue of the Department
122 of Revenue.

123 (e) "Commission" or "Mississippi Gaming Commission"
124 means the Mississippi Gaming Commission.

125 (f) "Commission member" means a member of the
126 Mississippi Gaming Commission.

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

131 (h) "Enforcement division" means a particular division
132 supervised by the executive director that provides enforcement
133 functions.

134 (i) "Establishment" means any premises wherein or
135 whereon any gaming is done.

136 (j) "Executive director" means the Executive Director
137 of the Mississippi Gaming Commission.

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



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

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

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

157 (m) "Gaming device" means any mechanical,
158 electromechanical or electronic contrivance, component or machine
159 used in connection with gaming or any game which affects the
160 result of a wager by determining win or loss. The term includes a
161 system for processing information which can alter the normal
162 criteria of random selection, which affects the operation of any
163 game, or which determines the outcome of a game. The term does
164 not include a system or device which affects a game solely by
165 stopping its operation so that the outcome remains undetermined,
166 and does not include any antique coin machine as defined in
167 Section 27-27-12.



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

- 171 (i) Boxmen;
- 172 (ii) Cashiers;
- 173 (iii) Change personnel;
- 174 (iv) Counting room personnel;
- 175 (v) Dealers;
- 176 (vi) Floormen;
- 177 (vii) Hosts or other persons empowered to extend
178 credit or complimentary services;
- 179 (viii) Keno runners;
- 180 (ix) Keno writers;
- 181 (x) Machine mechanics;
- 182 (xi) Security personnel;
- 183 (xii) Shift or pit bosses;
- 184 (xiii) Shills;
- 185 (xiv) Supervisors or managers; and
- 186 (xv) Ticket writers.

187 The term "gaming employee" also includes employees of
188 manufacturers or distributors of gaming equipment within this
189 state whose duties are directly involved with the manufacture,
190 repair or distribution of gaming equipment.



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

194 (o) "Gaming license" means any license issued by the
195 state which authorizes the person named therein to engage in
196 gaming.

197 (p) "Gross revenue" means the total of all of the
198 following, less the total of all cash paid out as losses to
199 patrons and those amounts paid to purchase annuities to fund
200 losses paid to patrons over several years by independent financial
201 institutions:

202 (i) Cash received as winnings;

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

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

207 For the purposes of this definition, cash or the value of
208 noncash prizes awarded to patrons in a contest or tournament are
209 not losses.

210 The term does not include:

211 (i) Counterfeit money or tokens;

212 (ii) Coins of other countries which are received
213 in gaming devices;

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



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

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

221 (r) "Investigation division" means a particular
222 division supervised by the executive director that provides
223 investigative functions.

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

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

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

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

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

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

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

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



241 before the commission; or the Mississippi Gaming Commission and
242 any licensee or other person appearing of record in any proceeding
243 for judicial review of any action, decision or order of the
244 commission.

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

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

251 (cc) "Race book" means the business of accepting wagers
252 upon the outcome of any event held at a track which uses the
253 pari-mutuel system of wagering.

254 (dd) "Regulation" means a rule, standard, directive or
255 statement of general applicability which effectuates law or policy
256 or which describes the procedure or requirements for practicing
257 before the commission. The term includes a proposed regulation
258 and the amendment or repeal of a prior regulation but does not
259 include:

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

263 (ii) A declaratory ruling;

264 (iii) An interagency memorandum;



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

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

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

271 (ff) "Slot machine" means any mechanical, electrical or
272 other device, contrivance or machine which, upon insertion of a
273 coin, token or similar object, or upon payment of any
274 consideration, is available to play or operate, the play or
275 operation of which, whether by reason of the skill of the operator
276 or application of the element of chance, or both, may deliver or
277 entitle the person playing or operating the machine to receive
278 cash, premiums, merchandise, tokens or anything of value, whether
279 the payoff is made automatically from the machine or in any other
280 manner. The term does not include any antique coin machine as
281 defined in Section 27-27-12.

282 (gg) "Sports pool" means the business of accepting
283 wagers on collegiate or professional sporting events or athletic
284 events, by any system or method of wagering other than the system
285 known as the "pari-mutuel method of wagering."

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



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

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

293 (kk) "Work permit" means any card, certificate or
294 permit issued by the commission, whether denominated as a work
295 permit, registration card or otherwise, authorizing the employment
296 of the holder as a gaming employee. A document issued by any
297 governmental authority for any employment other than gaming is not
298 a valid work permit for the purposes of this chapter.

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

302 (mm) "Cheat" means to alter the selection of criteria
303 that determine:

304 (i) The rules of a game; or

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

306 (nn) "Promotional activity" means an activity or event
307 conducted or held for the purpose of promoting or marketing the
308 individual licensed gaming establishment that is engaging in the
309 promotional activity. The term includes, but is not limited to, a
310 game of any kind other than as defined in paragraph (k) of this
311 section, a tournament, a contest, a drawing, or a promotion of any
312 kind.



313 **SECTION 3.** Section 75-76-33, Mississippi Code of 1972, is
314 brought forward as follows:

315 75-76-33. (1) The commission shall, from time to time,
316 adopt, amend or repeal such regulations, consistent with the
317 policy, objects and purposes of this chapter, as it may deem
318 necessary or desirable in the public interest in carrying out the
319 policy and provisions of this chapter. The commission shall
320 comply with the Mississippi Administrative Procedures Law when
321 adopting, amending or repealing any regulations authorized under
322 this section or under any other provision of this chapter.

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

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

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

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

336 (d) Requiring fingerprinting of an applicant or
337 licensee, and gaming employees of a licensee, or other methods of



338 identification and the forwarding of all fingerprints taken
339 pursuant to regulation of the Federal Bureau of Investigation.

340 (e) Prescribing the manner and procedure of all
341 hearings conducted by the commission or any hearing examiner of
342 the commission, including special rules of evidence applicable
343 thereto and notices thereof.

344 (f) Requiring any applicant to pay all or any part of
345 the fees and costs of investigation of such applicant as may be
346 determined by the commission under paragraph (g) of this
347 subsection (2).

348 (g) Prescribing the amounts of investigative fees only
349 as authorized by regulations of the commission under paragraph (f)
350 of this subsection, and collecting those fees. The commission
351 shall adopt regulations setting the amounts of those fees at
352 levels that will provide the commission with sufficient revenue,
353 when combined with any other monies as may be deposited into the
354 Mississippi Gaming Commission Fund created in Section 75-76-325,
355 to carry out the provisions of this chapter without any state
356 general funds. In calculating the amount of such fees, the
357 commission shall:

358 (i) Attempt to set the fees at levels that will
359 create a balance in the Mississippi Gaming Commission Fund that
360 does not exceed, at the end of any state fiscal year, two percent
361 (2%) of the projected amount of funds that will provide the
362 commission with such sufficient revenue; and



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

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

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

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

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

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

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

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

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



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

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

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

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

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

408 **SECTION 4.** Section 75-76-55, Mississippi Code of 1972, is
409 brought forward as follows:

410 75-76-55. (1) Except as otherwise provided in Section
411 75-76-34, it is unlawful for any person, either as owner, lessee
412 or employee, whether for hire or not, either solely or in



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

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

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

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

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

434 **SECTION 5.** Section 75-76-79, Mississippi Code of 1972, is
435 brought forward as follows:

436 75-76-79. (1) (a) Except as otherwise provided in
437 paragraphs (b) and (c) of this subsection, it is unlawful for any



438 person, either as owner, lessee or employee, whether for hire or
439 not, to operate, carry on, conduct or maintain any form of
440 manufacture, selling or distribution of any gaming device for use
441 or play in Mississippi or for distribution outside of Mississippi
442 without first procuring and maintaining all required federal and
443 state licenses.

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

446 (c) The holder of a state gaming license or the holding
447 company of a corporate licensee may, within two (2) years after
448 cessation of business or upon specific approval by the executive
449 director, dispose of by sale in a manner approved by the executive
450 director, any or all of its gaming devices, including slot
451 machines, without a distributor's license. In cases of bankruptcy
452 of a state gaming licensee or foreclosure of a lien by a bank or
453 other person holding a security interest for which gaming devices
454 are security in whole or in part for the lien, the executive
455 director may authorize the disposition of the gaming devices
456 without requiring a distributor's license.

457 (d) Any person whom the commission determines is a
458 suitable person to receive a license under the provisions of this
459 section may be issued a manufacturer's or distributor's license.
460 The burden of proving his qualification to receive or hold a
461 license under this section is at all times on the applicant or
462 licensee.



463 (e) Every person who must be licensed pursuant to this
464 section is subject to the provisions of Sections 75-76-199 through
465 75-76-265, unless exempted from those provisions by the
466 commission.

467 (f) The commission may exempt, for any purpose, a
468 manufacturer, seller or distributor from the provisions of
469 Sections 75-76-199 through 75-76-265, if the commission determines
470 that the exemption is consistent with the purposes of this
471 chapter.

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

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

476 (a) No new gaming device or associated equipment
477 manufactured by the manufacturer or distributed by the distributor
478 may be approved;

479 (b) Any previously approved device or associated
480 equipment manufactured by the manufacturer or distributed by the
481 distributor is subject to revocation of approval if the reasons
482 for the denial of the license also apply to that device or
483 associated equipment;

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



487 (d) Any association or agreement between the
488 manufacturer or distributor and a licensee must be terminated,
489 unless otherwise provided by the commission. An agreement between
490 such a manufacturer or distributor of gaming devices or associated
491 equipment and a licensee shall be deemed to include a provision
492 for its termination without liability on the part of the licensee
493 upon a finding by the commission that the manufacturer is
494 unsuitable to be associated with a gaming enterprise. Failure to
495 include that condition in the agreement is not a defense in any
496 action brought pursuant to this section to terminate the
497 agreement.

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

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

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

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

510 This fee is to be paid by the applicant to the State Tax
511 Commission on or before the filing of the application for a



512 manufacturer's, seller's or distributor's license by the
513 applicant. Upon such payment the hairman of the State Tax
514 Commission shall certify to the executive director that such fee
515 has been paid by the applicant.

516 Except for those amounts that a person issued a
517 manufacturer's license under this section may charge for goods
518 supplied or services rendered, the person holding the
519 manufacturer's license may not be directly reimbursed by a holder
520 of a gaming license for the cost of any fee paid by the person for
521 the issuance or continuation of such a license, whether imposed
522 under this section or any other provision of this chapter.

523 (5) A manufacturer or distributor of associated equipment
524 who sells, transfers or offers the associated equipment for use or
525 play in Mississippi may be required by the executive director to
526 file an application for a finding of suitability to be a
527 manufacturer or distributor of associated equipment.

528 Any person who directly or indirectly involves himself in the
529 sale, transfer or offering for use or play in Mississippi of
530 associated equipment who is not otherwise required to be licensed
531 as a manufacturer or distributor may be required by the executive
532 director to file an application for a finding of suitability to be
533 a manufacturer or distributor of associated equipment.

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



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

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

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

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

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

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

549 In addition to all other fees and charges imposed by this
550 chapter, the executive director may determine an inspection fee
551 with regard to each manufacturer, seller or distributor which must
552 not exceed the actual cost of inspection and investigation. Upon
553 such determination, the executive director shall certify to the
554 Chairman of the State Tax Commission the amount of the inspection
555 fee and the name and address of the applicant. Upon such
556 certification the State Tax Commission shall proceed to assess and
557 collect such inspection fee from the applicant.

558 **SECTION 6.** Section 75-76-89, Mississippi Code of 1972, is
559 brought forward as follows:



560 75-76-89. (1) Except as otherwise provided in subsection
561 (3) of this section, all licenses issued to the same person,
562 including a wholly owned subsidiary of that person, for the
563 operation of any game, including a sports pool or race book, which
564 authorize gaming at the same establishment must be merged into a
565 single gaming license. A gaming license may not be issued to any
566 person if the issuance would result in more than one licensed
567 operation at a single establishment, whether or not the profits or
568 revenue from gaming are shared between the licensed operations.

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

573 **SECTION 7.** Section 75-76-101, Mississippi Code of 1972, is
574 brought forward as follows:

575 75-76-101. (1) All gaming must be conducted with chips,
576 tokens or other instrumentalities approved by the executive
577 director or with the legal tender of the United States.

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



584 **SECTION 8.** Section 75-76-175, Mississippi Code of 1972, is
585 brought forward as follows:

586 75-76-175. (1) A credit instrument accepted on or after
587 June 29, 1991, is valid and may be enforced by legal process.

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

590 (a) Is signed by a patron; and

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

592 and may complete the instrument as is necessary for the
593 instrument to be presented for payment.

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

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

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

601 (c) May accept a credit instrument that is payable to
602 an affiliated company or may complete a credit instrument in the
603 name of an affiliated company as payee if the credit instrument
604 otherwise complies with this subsection and the records of the
605 affiliated company pertaining to the credit instrument are made
606 available to the executive director upon request.



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

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

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

616 **SECTION 9.** Section 75-76-177, Mississippi Code of 1972, is
617 brought forward as follows:

618 75-76-177. (1) From and after August 1, 1990, there is
619 hereby imposed and levied on each gaming licensee a license fee
620 based upon all the gross revenue of the licensee as follows:

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

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

628 (c) Eight percent (8%) of all the gross revenue of the
629 licensee which exceeds One Hundred Thirty-four Thousand Dollars
630 (\$134,000.00) per calendar month.



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

639 (3) If the amount of license fees required to be reported
640 and paid pursuant to this section is later determined to be
641 greater or less than the amount actually reported and paid by the
642 licensee, the Chairman of the State Tax Commission shall:

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

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

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

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

654 **SECTION 10.** Section 97-33-305, Mississippi Code of 1972, is
655 brought forward as follows:



656 97-33-305. (1) Fantasy contests are legal in this state. A
657 fantasy contest operator must comply with the provisions of this
658 section if the operator's total player roster for all fantasy
659 contests consists of one hundred (100) or more members of the
660 general public.

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

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

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

670 (c) Prevent the operator from participating in a
671 fantasy contest offered by the operator;

672 (d) Verify that a fantasy contest player is eighteen
673 (18) years of age or older except as required in Section
674 97-33-307(5);

675 (e) Ensure that individuals who participate or
676 officiate in a sporting event or who own, manage or coach a team
677 or player who participates in a sporting event will not knowingly
678 be allowed to enter a fantasy contest that is determined, in whole
679 or in part, on accumulated statistical results that include a



680 sporting event in which the individual could be involved as an
681 athlete, official, owner, manager or coach;

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

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

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

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

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

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

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

704 1. Three percent (3%) of all entries; or



705 2. One hundred fifty (150) entries.

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

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

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

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

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

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

725 (k) Segregate fantasy contest player funds from
726 operational funds or maintain a reserve in the form of cash, cash
727 equivalents, payment processor reserves and receivables, an
728 irrevocable letter of credit, a bond, or a combination thereof, in
729 the amount of the total account balances of the fantasy contest



730 players for the benefit and protection of the funds held in the
731 accounts.

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

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

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

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

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

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

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



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

758 **SECTION 11.** This act shall take effect and be in force from
759 and after July 1, 2022.

