

By: Representatives Eure, Grady, Bell
(65th), Hulum, McKnight, Nelson, Aguirre

To: Gaming

HOUSE BILL NO. 774

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 AMEND SECTIONS
11 97-33-17, 75-76-5 AND 75-76-33, MISSISSIPPI CODE OF 1972, TO
12 CONFORM TO THE PRECEDING SECTIONS; TO AMEND SECTION 75-76-89,
13 MISSISSIPPI CODE OF 1972, TO CLARIFY THE INCLUSION OF ONLINE RACE
14 BOOK AND SPORTS BOOK FOR GAMING LICENSING; TO AMEND SECTION
15 75-76-91, MISSISSIPPI CODE OF 1972, TO REQUIRE THE LICENSED GAMING
16 ESTABLISHMENT TO DISPLAY THE LICENSE OF THE PLATFORM IT IS
17 CONTRACTED WITH; TO AMEND SECTION 75-76-203, MISSISSIPPI CODE OF
18 1972, TO PROVIDE AN EXCEPTION FOR AN OFFICE IN THIS STATE FOR
19 PLATFORMS; TO BRING FORWARD SECTIONS 75-76-211, 75-76-55,
20 75-76-205 AND 75-76-175, MISSISSIPPI CODE OF 1972, WHICH REGULATE
21 CORPORATE GAMING ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO
22 AMEND SECTIONS 75-76-177, 75-76-101 AND 97-33-27, MISSISSIPPI CODE
23 OF 1972, TO CLARIFY CERTAIN PROVISIONS; TO BRING FORWARD SECTIONS
24 97-33-305 AND 97-33-8, MISSISSIPPI CODE OF 1972, WHICH REGULATE
25 GAMING ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO AMEND
26 SECTIONS 97-33-25 AND 75-76-79, MISSISSIPPI CODE OF 1972, TO
27 CLARIFY THE PROVISIONS; TO BRING FORWARD SECTIONS 97-33-1 AND
28 97-33-7, WHICH RESTRICT CERTAIN TYPES OF WAGERS, FOR PURPOSES OF
29 AMENDMENT; AND FOR RELATED PURPOSES.

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



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

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

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

37 (b) "Executive director" means the Executive Director
38 of the Mississippi Gaming Commission as defined in Section
39 75-76-7.

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

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

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

48 (f) "Interactive gaming" means wagering on any
49 interactive game.

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



56 (h) "Internet" means the term as defined in Section 230
57 of Title II of the Communications Act of 1934, Chapter 652, 110
58 Stat. 137, 47 USCS 230.

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

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

64 (k) "Online race book" means a race book as defined by
65 Section 75-76-5 in which wagers are made over the Internet,
66 including on websites, personal computers, mobile phones, or other
67 interactive devices used by an individual to place a race book
68 wager from any location in Mississippi, and accepted by a platform
69 on behalf of the holder of a Mississippi gaming license.

70 (l) "Online sports pool" means a sports pool as defined
71 by Section 75-76-5 in which wagers are made over the Internet,
72 including on websites, personal computers, mobile phones, or other
73 interactive devices used by an individual to place a sports pool
74 wager from any location in Mississippi, and accepted by a platform
75 on behalf of the holder of a Mississippi gaming license.

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



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

82 (o) "Sporting event" means any amateur sport or
83 athletic event, professional sport or athletic event, collegiate
84 sport or athletic event, motor race event, electronic sports
85 event, competitive video game event, or any other event authorized
86 by the Mississippi Gaming Control Act or the commission for
87 wagering under this act.

88 (p) "Sports pool" means the same as the term is defined
89 in Section 75-76-5 and includes the business of accepting wagers
90 on sporting events by any system of wagering including, but not
91 limited to, single-game bets, teaser bets, parlays, over-under,
92 moneyline, pools, exchange-wagering, in-game wagering, in-play
93 bets, proposition bets, and straight bets. The term does not
94 include fantasy contests as defined in Section 97-33-303.

95 **SECTION 3.** (1) Online sports pools and online race books
96 shall be legal in the State of Mississippi as provided by this
97 act. The provisions of this act shall not be construed to
98 authorize or legalize interactive gaming in the State of
99 Mississippi outside of a licensed gaming establishment.

100 (2) (a) A platform that operates an online sports pool,
101 online race book, or both on behalf of the holder of a gaming
102 license in this state must obtain a manufacturer's and
103 distributor's license from the commission. A platform that



104 already possesses a manufacturer's and distributor's license in
105 the state shall be permitted to operate under the existing license
106 subject to any technical approvals required by the commission to
107 operate an online sports pool, online race book, or both.

108 (b) The licensed gaming establishment, including a
109 platform that operates an online sports pool, online race book or
110 both on behalf of the holder of a gaming licensee, shall report
111 all gaming revenue and pay all taxes for such revenue as provided
112 by state law.

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

117 (4) Application for licensure shall be made to the executive
118 director on forms furnished by the executive director and in
119 accordance with the commission's regulations regarding
120 manufacturer's and distributor's licenses.

121 (5) The commission shall, from time to time, adopt, amend or
122 repeal such regulations, consistent with the policy, objects and
123 purposes of this chapter, as it may deem necessary or desirable in
124 the public interest in carrying out the policy and provisions of
125 this chapter. The commission shall comply with the Mississippi
126 Administrative Procedures Law when adopting, amending or repealing
127 any regulations authorized under this section or under any other
128 provision of this chapter.



129 SECTION 4. (1) Each licensed establishment may enter into
130 contracts with no more than one (1) platform to operate an online
131 sports pool and/or online race book on behalf of the holder of the
132 gaming license for such licensed establishment. Each platform
133 may, but is not required to, offer both an online sports pool and
134 an online race book. Notwithstanding any provision of law to the
135 contrary, a platform may, on behalf of its gaming license holder,
136 determine whether to accept or reject wagers, determine the
137 results of wagers, and payout winning wagers.

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

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

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



154 related to such services required by the commission. Servers,
155 including the use of backup servers, may be located outside of
156 this state, consistent with federal law. To the extent required
157 by federal law, a platform shall maintain in this state the
158 servers it uses to accept wagers on an online sports pool, online
159 race book, or interactive gaming inside the casino placed by
160 bettors located in this state.

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

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

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

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

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

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



179 (d) Suspicious or illegal wagering activities,
180 including the use of funds derived from illegal activity, wagers
181 to conceal or launder funds derived from illegal activity, use of
182 agents to place wagers, or use of false identification.

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

186 **SECTION 5.** Gross revenue from a platform operating an online
187 race book or an online sports pool on behalf of the holder of a
188 gaming license shall be subject to the license fees and credits
189 under Sections 75-76-177, 75-76-179, 75-76-181 and 75-76-185.

190 **SECTION 6.** Section 97-33-17, Mississippi Code of 1972, is
191 amended as follows:

192 97-33-17. (1) All monies exhibited for the purpose of
193 betting or alluring persons to bet at any game, and all monies
194 staked or betted, shall be liable to seizure by any sheriff,
195 constable, or police officer, together with all the appliances
196 used or kept for use in gambling, or by any other person; and all
197 the monies so seized shall be accounted for by the person making
198 the seizure, and all appliances seized shall be destroyed;
199 provided, however, this section shall not apply to betting, gaming
200 or wagering * * *:

201 (a) On a cruise vessel as defined in Section 27-109-1
202 whenever such vessel is in the waters within the State of
203 Mississippi, which lie adjacent to the State of Mississippi south



204 of the three (3) most southern counties in the State of
205 Mississippi, including the Mississippi Sound, St. Louis Bay,
206 Biloxi Bay and Pascagoula Bay, and in which the registered voters
207 of the county in which the port is located have not voted to
208 prohibit such betting, gaming or wagering on cruise vessels as
209 provided in Section 19-3-79;

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

215 (i) The structure is owned, leased or controlled
216 by a person possessing a gaming license, as defined in Section
217 75-76-5, to conduct legal gaming on a cruise vessel under
218 paragraph (a) of this subsection;

219 (ii) The part of the structure in which licensed
220 gaming activities are conducted is located entirely in an area
221 which is located no more than eight hundred (800) feet from the
222 mean high water line (as defined in Section 29-15-1) of the waters
223 within the State of Mississippi, which lie adjacent to the State
224 of Mississippi south of the three (3) most southern counties in
225 the State of Mississippi, including the Mississippi Sound, St.
226 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
227 Harrison County only, no farther north than the southern boundary
228 of the right-of-way for U.S. Highway 90, whichever is greater; and



229 (iii) In the case of a structure that is located
230 in whole or part on shore, the part of the structure in which
231 licensed gaming activities are conducted shall lie adjacent to
232 state waters south of the three (3) most southern counties in the
233 State of Mississippi, including the Mississippi Sound, St. Louis
234 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
235 structure is located consists of a parcel of real property,
236 easements and rights-of-way for public streets and highways shall
237 not be construed to interrupt the contiguous nature of the parcel,
238 nor shall the footage contained within the easements and
239 rights-of-way be counted in the calculation of the distances
240 specified in subparagraph (ii) * * *;

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

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

249 (2) Nothing in this section shall apply to any gambling
250 device, machine or equipment that is owned, possessed, controlled,
251 installed, procured, repaired or transported in accordance with
252 subsection (4) of Section 97-33-7.



253 **SECTION 7.** Section 75-76-5, Mississippi Code of 1972, is
254 amended as follows:

255 75-76-5. As used in this chapter, unless the context
256 requires otherwise:

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

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

268 (c) "Associated equipment" means any equipment or
269 mechanical, electromechanical or electronic contrivance, component
270 or machine used remotely or directly in connection with gaming or
271 with any game, race book or sports pool that would not otherwise
272 be classified as a gaming device, including dice, playing cards,
273 links which connect to progressive slot machines, equipment which
274 affects the proper reporting of gross revenue, computerized
275 systems of betting at a race book or sports pool, computerized
276 systems for monitoring slot machines, and devices for weighing or
277 counting money.



278 (d) "Chairman" means the Chairman of the Mississippi
279 Gaming Commission except when used in the term "Chairman of the
280 State Tax Commission." "Chairman of the State Tax Commission" or
281 "commissioner" means the Commissioner of Revenue of the Department
282 of Revenue.

283 (e) "Commission" or "Mississippi Gaming Commission"
284 means the Mississippi Gaming Commission.

285 (f) "Commission member" means a member of the
286 Mississippi Gaming Commission.

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

291 (h) "Enforcement division" means a particular division
292 supervised by the executive director that provides enforcement
293 functions.

294 (i) "Establishment" means any premises wherein or
295 whereon any gaming is done.

296 (j) "Executive director" means the Executive Director
297 of the Mississippi Gaming Commission.

298 (k) Except as otherwise provided by law, "game," or
299 "gambling game" means any banking or percentage game played with
300 cards, with dice or with any mechanical, electromechanical or
301 electronic device or machine for money, property, checks, credit
302 or any representative of value, including, without limiting, the



303 generality of the foregoing, faro, monte, roulette, keno, fan tan,
304 twenty one, blackjack, seven and a half, big injun, klondike,
305 craps, poker, chuck a luck (dai shu), wheel of fortune, chemin de
306 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
307 or any other game or device approved by the commission. However,
308 "game" or "gambling game" shall not include bingo games or raffles
309 which are held pursuant to the provisions of Section 97-33-51, or
310 the illegal gambling activities described in Section 97-33-8.

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

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

317 (m) "Gaming device" means any mechanical,
318 electromechanical or electronic contrivance, component or machine
319 used in connection with gaming or any game which affects the
320 result of a wager by determining win or loss. The term includes a
321 system for processing information which can alter the normal
322 criteria of random selection, which affects the operation of any
323 game, or which determines the outcome of a game. The term does
324 not include a system or device which affects a game solely by
325 stopping its operation so that the outcome remains undetermined,
326 and does not include any antique coin machine as defined in
327 Section 27-27-12.



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

- 331 (i) Boxmen;
- 332 (ii) Cashiers;
- 333 (iii) Change personnel;
- 334 (iv) Counting room personnel;
- 335 (v) Dealers;
- 336 (vi) Floormen;
- 337 (vii) Hosts or other persons empowered to extend
338 credit or complimentary services;
- 339 (viii) Keno runners;
- 340 (ix) Keno writers;
- 341 (x) Machine mechanics;
- 342 (xi) Security personnel;
- 343 (xii) Shift or pit bosses;
- 344 (xiii) Shills;
- 345 (xiv) Supervisors or managers; and
- 346 (xv) Ticket writers.

347 The term "gaming employee" also includes employees of
348 manufacturers or distributors of gaming equipment within this
349 state whose duties are directly involved with the manufacture,
350 repair or distribution of gaming equipment.



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

354 (o) "Gaming license" means any license issued by the
355 state which authorizes the person named therein to engage in
356 gaming.

357 (p) "Gross revenue" means the total of all of the
358 following, less the total of all cash paid out as losses to
359 patrons and those amounts paid to purchase annuities to fund
360 losses paid to patrons over several years by independent financial
361 institutions:

362 (i) Cash received as winnings;

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

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

367 For the purposes of this definition, cash or the value of
368 noncash prizes awarded to patrons in a contest or tournament are
369 not losses.

370 The term does not include:

371 (i) Counterfeit money or tokens;

372 (ii) Coins of other countries which are received
373 in gaming devices;

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



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

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

381 (r) "Investigation division" means a particular
382 division supervised by the executive director that provides
383 investigative functions.

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

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

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

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

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

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

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

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



401 before the commission; or the Mississippi Gaming Commission and
402 any licensee or other person appearing of record in any proceeding
403 for judicial review of any action, decision or order of the
404 commission.

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

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

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

415 (dd) "Regulation" means a rule, standard, directive or
416 statement of general applicability which effectuates law or policy
417 or which describes the procedure or requirements for practicing
418 before the commission. The term includes a proposed regulation
419 and the amendment or repeal of a prior regulation but does not
420 include:

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

424 (ii) A declaratory ruling;

425 (iii) An interagency memorandum;



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

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

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

432 (ff) "Slot machine" means any mechanical, electrical or
433 other device, contrivance or machine which, upon insertion of a
434 coin, token or similar object, or upon payment of any
435 consideration, is available to play or operate, the play or
436 operation of which, whether by reason of the skill of the operator
437 or application of the element of chance, or both, may deliver or
438 entitle the person playing or operating the machine to receive
439 cash, premiums, merchandise, tokens or anything of value, whether
440 the payoff is made automatically from the machine or in any other
441 manner. The term does not include any antique coin machine as
442 defined in Section 27-27-12.

443 (gg) "Sports pool" means the business of accepting
444 wagers on collegiate or professional sporting events or athletic
445 events, by any system or method of wagering other than the system
446 known as the "pari-mutuel method of wagering * * *", and includes
447 "online sports pool" as defined by this act.

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



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

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

455 (kk) "Work permit" means any card, certificate or
456 permit issued by the commission, whether denominated as a work
457 permit, registration card or otherwise, authorizing the employment
458 of the holder as a gaming employee. A document issued by any
459 governmental authority for any employment other than gaming is not
460 a valid work permit for the purposes of this chapter.

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

464 (mm) "Cheat" means to alter the selection of criteria
465 that determine:

466 (i) The rules of a game; or

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

468 (nn) "Promotional activity" means an activity or event
469 conducted or held for the purpose of promoting or marketing the
470 individual licensed gaming establishment that is engaging in the
471 promotional activity. The term includes, but is not limited to, a
472 game of any kind other than as defined in paragraph (k) of this
473 section, a tournament, a contest, a drawing, or a promotion of any
474 kind.



475 **SECTION 8.** Section 75-76-33, Mississippi Code of 1972, is
476 amended as follows:

477 75-76-33. (1) The commission shall, from time to time,
478 adopt, amend or repeal such regulations, consistent with the
479 policy, objects and purposes of this chapter, as it may deem
480 necessary or desirable in the public interest in carrying out the
481 policy and provisions of this chapter. The commission shall
482 comply with the Mississippi Administrative Procedures Law when
483 adopting, amending or repealing any regulations authorized under
484 this section or under any other provision of this chapter.

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

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

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

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

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



500 identification and the forwarding of all fingerprints taken
501 pursuant to regulation of the Federal Bureau of Investigation.

502 (e) Prescribing the manner and procedure of all
503 hearings conducted by the commission or any hearing examiner of
504 the commission, including special rules of evidence applicable
505 thereto and notices thereof.

506 (f) Requiring any applicant to pay all or any part of
507 the fees and costs of investigation of such applicant as may be
508 determined by the commission under paragraph (g) of this
509 subsection (2).

510 (g) Prescribing the amounts of investigative fees only
511 as authorized by regulations of the commission under paragraph (f)
512 of this subsection, and collecting those fees. The commission
513 shall adopt regulations setting the amounts of those fees at
514 levels that will provide the commission with sufficient revenue,
515 when combined with any other monies as may be deposited into the
516 Mississippi Gaming Commission Fund created in Section 75-76-325,
517 to carry out the provisions of this chapter without any state
518 general funds. In calculating the amount of such fees, the
519 commission shall:

520 (i) Attempt to set the fees at levels that will
521 create a balance in the Mississippi Gaming Commission Fund that
522 does not exceed, at the end of any state fiscal year, two percent
523 (2%) of the projected amount of funds that will provide the
524 commission with such sufficient revenue; and



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

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

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

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

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

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

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

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

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



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

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

558 (3) Notwithstanding any other provision of law, each
559 licensee shall be required to comply with the regulation that no
560 wager may be placed by, or on behalf of, any individual or entity
561 or group, not present on a licensed vessel or cruise vessel,
562 except through an online sports pool or online race book, or as
563 otherwise provided by this act.

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

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

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



574 75-76-89. (1) Except as otherwise provided in subsection
575 (* * *2) of this section, all licenses issued to the same person,
576 including a wholly owned subsidiary of that person, for the
577 operation of any game, including a sports pool or race book,
578 whether online or in person, which authorize gaming at the same
579 establishment must be merged into a single gaming license. A
580 gaming license may not be issued to any person if the issuance
581 would result in more than one (1) licensed operation at a single
582 establishment, unless authorized by this act whether or not the
583 profits or revenue from gaming are shared between the licensed
584 operations.

585 (2) A person who has been issued a gaming license, or a
586 platform on behalf of the holder of a gaming license, may
587 establish a sports pool or race book on the premises of the
588 establishment at which he or she conducts a gaming operation or
589 operates an online sports pool or online race book only after
590 obtaining permission from the executive director.

591 **SECTION 10.** Section 75-76-91, Mississippi Code of 1972, is
592 amended as follows:

593 75-76-91. (1) All licenses issued under the provisions of
594 this chapter must be posted by the licensee and kept posted at all
595 times in a conspicuous place in the establishment for which issued
596 until replaced by a succeeding license. The gaming licensee shall
597 also conspicuously post the license for the platform used in its
598 establishment.



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

601 **SECTION 11.** Section 75-76-203, Mississippi Code of 1972, is
602 amended as follows:

603 75-76-203. In order to be eligible to receive a state gaming
604 license, a corporation shall:

605 (a) Be incorporated:

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

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

614 (b) Maintain an office of the corporation on the
615 licensed premises, except for any platform that operates on behalf
616 of a holder of a gaming license in this state;

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

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

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



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

626 **SECTION 12.** Section 75-76-205, Mississippi Code of 1972, is
627 brought forward as follows:

628 75-76-205. No domestic corporation is eligible to receive a
629 gaming license unless it is in good standing in this state. No
630 foreign corporation is eligible to receive a gaming license unless
631 it qualifies to do business in this state.

632 **SECTION 13.** Section 75-76-211, Mississippi Code of 1972, is
633 brought forward as follows:

634 75-76-211. All officers and directors of the corporation
635 which holds or applies for a state gaming license must be licensed
636 individually, according to the provisions of this chapter; and if,
637 in the judgment of the commission, the public interest will be
638 served by requiring any or all of the corporation's individual
639 stockholders, lenders, holders of evidences of indebtedness,
640 underwriters, key executives, agents or employees to be licensed,
641 the corporation shall require such persons to apply for a license
642 in accordance with the laws and requirements in effect at the time
643 the commission requires such licensing. A person who is required
644 to be licensed by this section shall apply for a license within
645 thirty (30) days after he becomes an officer or director. A
646 person who is required to be licensed pursuant to a decision of



647 the commission shall apply for a license within thirty (30) days
648 after the executive director requests him to do so.

649 **SECTION 14.** Section 75-76-55, Mississippi Code of 1972, is
650 brought forward as follows:

651 75-76-55. (1) Except as otherwise provided in Section
652 75-76-34, it is unlawful for any person, either as owner, lessee
653 or employee, whether for hire or not, either solely or in
654 conjunction with others, without having first procured and
655 thereafter maintaining in effect a state gaming license:

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

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

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

668 (2) Except as otherwise provided in Section 75-76-34, it is
669 unlawful for any person knowingly to permit any gambling game,
670 including, without limitation, any slot machine, gaming device,
671 race book or sports pool to be conducted, operated, dealt or



672 carried on in any house or building or other premises owned by
673 him, in whole or in part, by a person who is not licensed pursuant
674 to this chapter or by his employee.

675 **SECTION 15.** Section 75-76-79, Mississippi Code of 1972, is
676 amended as follows:

677 75-76-79. (1) (a) Except as otherwise provided in
678 paragraphs (b) and (c) of this subsection, it is unlawful for any
679 person, either as owner, lessee or employee, whether for hire or
680 not, to operate, carry on, conduct or maintain any form of
681 manufacture, selling or distribution of any gaming device for use
682 or play in Mississippi or for distribution outside of Mississippi
683 without first procuring and maintaining all required federal and
684 state licenses.

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

687 (c) The holder of a state gaming license or the holding
688 company of a corporate licensee may, within two (2) years after
689 cessation of business or upon specific approval by the executive
690 director, dispose of by sale in a manner approved by the executive
691 director, any or all of its gaming devices, including slot
692 machines, without a distributor's license. In cases of bankruptcy
693 of a state gaming licensee or foreclosure of a lien by a bank or
694 other person holding a security interest for which gaming devices
695 are security, in whole or in part, for the lien, the executive



696 director may authorize the disposition of the gaming devices
697 without requiring a distributor's license.

698 (d) Any person whom the commission determines is a
699 suitable person to receive a license under the provisions of this
700 section may be issued a manufacturer's or distributor's license.
701 The burden of proving his qualification to receive or hold a
702 license under this section is at all times on the applicant or
703 licensee.

704 (e) Every person who must be licensed pursuant to this
705 section is subject to the provisions of Sections 75-76-199 through
706 75-76-265, unless exempted from those provisions by the
707 commission.

708 (f) The commission may exempt, for any purpose, a
709 manufacturer, seller or distributor from the provisions of
710 Sections 75-76-199 through 75-76-265, if the commission determines
711 that the exemption is consistent with the purposes of this
712 chapter.

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

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

717 (a) No new gaming device or associated equipment
718 manufactured by the manufacturer or distributed by the distributor
719 may be approved;



720 (b) Any previously approved device or associated
721 equipment manufactured by the manufacturer or distributed by the
722 distributor is subject to revocation of approval if the reasons
723 for the denial of the license also apply to that device or
724 associated equipment;

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

728 (d) Any association or agreement between the
729 manufacturer or distributor and a licensee must be terminated,
730 unless otherwise provided by the commission. An agreement between
731 such a manufacturer or distributor of gaming devices or associated
732 equipment and a licensee shall be deemed to include a provision
733 for its termination without liability on the part of the licensee
734 upon a finding by the commission that the manufacturer is
735 unsuitable to be associated with a gaming enterprise. Failure to
736 include that condition in the agreement is not a defense in any
737 action brought pursuant to this section to terminate the
738 agreement.

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



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

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

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

751 This fee is to be paid by the applicant to the * * *
752 Department of Revenue on or before the filing of the application
753 for a manufacturer's, seller's or distributor's license by the
754 applicant. Upon such payment the * * * Commissioner of Revenue
755 shall certify to the executive director that such fee has been
756 paid by the applicant.

757 Except for those amounts that a person issued a
758 manufacturer's license under this section may charge for goods
759 supplied or services rendered, the person holding the
760 manufacturer's license may not be directly reimbursed by a holder
761 of a gaming license for the cost of any fee paid by the person for
762 the issuance or continuation of such a license, whether imposed
763 under this section or any other provision of this chapter.

764 (5) A manufacturer or distributor of associated equipment
765 who sells, transfers or offers the associated equipment for use or
766 play in Mississippi may be required by the executive director to
767 file an application for a finding of suitability to be a
768 manufacturer or distributor of associated equipment.



769 Any person who directly or indirectly involves himself in the
770 sale, transfer or offering for use or play in Mississippi of
771 associated equipment who is not otherwise required to be licensed
772 as a manufacturer or distributor may be required by the executive
773 director to file an application for a finding of suitability to be
774 a manufacturer or distributor of associated equipment.

775 If an application for a finding of suitability is not
776 submitted within thirty (30) days after demand by the executive
777 director, he may pursue any remedy or combination of remedies
778 provided in this chapter.

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

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

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

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

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

790 In addition to all other fees and charges imposed by this
791 chapter, the executive director may determine an inspection fee
792 with regard to each manufacturer, seller or distributor which must
793 not exceed the actual cost of inspection and investigation. Upon



794 such determination, the executive director shall certify to the
795 * * * Commissioner of Revenue the amount of the inspection fee
796 and the name and address of the applicant. Upon such
797 certification the * * * Department of Revenue shall proceed to
798 assess and collect such inspection fee from the applicant.

799 **SECTION 16.** Section 75-76-101, Mississippi Code of 1972, is
800 amended as follows:

801 75-76-101. (1) All gaming must be conducted with chips,
802 tokens or other instrumentalities approved by the executive
803 director or with the legal tender of the United States.

804 (2) Except for an online sports pool or online race book, no
805 licensee shall permit participation by a person in a game
806 conducted in the licensed gaming establishment if such person is
807 not physically present in the licensed gaming establishment during
808 the period of time when such game is being conducted, and all
809 games and the participation of patrons therein shall be entirely
810 located and conducted on the licensed premises.

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

813 75-76-175. (1) A credit instrument accepted on or after
814 June 29, 1991, is valid and may be enforced by legal process.

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

- 817 (a) Is signed by a patron; and
818 (b) States the amount of the debt in figures.



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

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

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

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

829 (c) May accept a credit instrument that is payable to
830 an affiliated company or may complete a credit instrument in the
831 name of an affiliated company as payee if the credit instrument
832 otherwise complies with this subsection and the records of the
833 affiliated company pertaining to the credit instrument are made
834 available to the executive director upon request.

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

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

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



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

846 75-76-177. (1) From and after August 1, 1990, there is
847 hereby imposed and levied on each gaming licensee a license fee
848 based upon all the gross revenue of the licensee as follows:

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

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

856 (c) Eight percent (8%) of all the gross revenue of the
857 licensee which exceeds One Hundred Thirty four Thousand Dollars
858 (\$134,000.00) per calendar month.

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

867 (3) If the amount of license fees required to be reported
868 and paid pursuant to this section is later determined to be



869 greater or less than the amount actually reported and paid by the
870 licensee, the * * * Commissioner of Revenue shall:

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

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

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

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

882 **SECTION 19.** Section 97-33-305, Mississippi Code of 1972, is
883 brought forward as follows:

884 97-33-305. (1) Fantasy contests are legal in this state. A
885 fantasy contest operator must comply with the provisions of this
886 section if the operator's total player roster for all fantasy
887 contests consists of one hundred (100) or more members of the
888 general public.

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

891 (a) Prevent employees of the operator, and relatives
892 living in the same household with an employee of an operator, from



893 competing in fantasy contests offered by an operator in which the
894 operator offers a cash prize;

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

898 (c) Prevent the operator from participating in a
899 fantasy contest offered by the operator;

900 (d) Verify that a fantasy contest player is eighteen
901 (18) years of age or older except as required in Section
902 97-33-307(5);

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

953 (k) Segregate fantasy contest player funds from
954 operational funds or maintain a reserve in the form of cash, cash
955 equivalents, payment processor reserves and receivables, an
956 irrevocable letter of credit, a bond, or a combination thereof, in
957 the amount of the total account balances of the fantasy contest
958 players for the benefit and protection of the funds held in the
959 accounts.

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

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



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

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

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

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

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

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

986 **SECTION 20.** Section 97-33-27, Mississippi Code of 1972, is
987 amended as follows:

988 97-33-27. If any person shall bet on a horse race or a yacht
989 race or on a shooting match, he shall be fined not more than Five
990 Hundred Dollars (\$500.00), and, unless the fine and costs be



991 immediately paid, he shall be imprisoned in the county jail not
992 more than ninety (90) days; provided, however, this section shall
993 not apply to betting, gaming or wagering:

994 (a) On a cruise vessel as defined in Section 27-109-1
995 whenever such vessel is in the waters within the State of
996 Mississippi, which lie adjacent to the State of Mississippi south
997 of the three (3) most southern counties in the State of
998 Mississippi, including the Mississippi Sound, St. Louis Bay,
999 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1000 of the county in which the port is located have not voted to
1001 prohibit such betting, gaming or wagering on cruise vessels as
1002 provided in Section 19-3-79;

1003 (b) In a structure located in whole or in part on shore
1004 in any of the three (3) most southern counties in the State of
1005 Mississippi in which the registered voters of the county have
1006 voted to allow such betting, gaming or wagering on cruise vessels
1007 as provided in Section 19-3-79, if:

1008 (i) The structure is owned, leased or controlled
1009 by a person possessing a gaming license, as defined in Section
1010 75-76-5, to conduct legal gaming on a cruise vessel under
1011 paragraph (a) of this section;

1012 (ii) The part of the structure in which licensed
1013 gaming activities are conducted is located entirely in an area
1014 which is located no more than eight hundred (800) feet from the
1015 mean high-water line (as defined in Section 29-15-1) of the waters



1016 within the State of Mississippi, which lie adjacent to the State
1017 of Mississippi south of the three (3) most southern counties in
1018 the State of Mississippi, including the Mississippi Sound, St.
1019 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1020 Harrison County only, no farther north than the southern boundary
1021 of the right-of-way for U.S. Highway 90, whichever is greater; and

1022 (iii) In the case of a structure that is located
1023 in whole or part on shore, the part of the structure in which
1024 licensed gaming activities are conducted shall lie adjacent to
1025 state waters south of the three (3) most southern counties in the
1026 State of Mississippi, including the Mississippi Sound, St. Louis
1027 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1028 structure is located consists of a parcel of real property,
1029 easements and rights-of-way for public streets and highways shall
1030 not be construed to interrupt the contiguous nature of the parcel,
1031 nor shall the footage contained within the easements and
1032 rights-of-way be counted in the calculation of the distances
1033 specified in subparagraph (ii) * * *;

1034 (c) On a vessel as defined in Section 27-109-1 whenever
1035 such vessel is on the Mississippi River or navigable waters within
1036 any county bordering on the Mississippi River, and in which the
1037 registered voters of the county in which the port is located have
1038 not voted to prohibit such betting, gaming or wagering on vessels
1039 as provided in Section 19-3-79; or



1040 (d) That is legal under the laws of the State of
1041 Mississippi.

1042 **SECTION 21.** Section 97-33-8, Mississippi Code of 1972, is
1043 amended as follows:

1044 97-33-8. (1) The provisions of this section are intended to
1045 clarify that the operation of "Internet sweepstakes cafes" is an
1046 illegal gambling activity under state law.

1047 (2) It shall be unlawful for any person or entity to
1048 possess, own, control, display, operate or have a financial
1049 interest in an electronic video monitor that:

1050 (a) Is offered or made available to a person to play or
1051 participate in a simulated gambling program in return for direct
1052 or indirect consideration, including consideration associated with
1053 a product, service or activity other than the simulated gambling
1054 program; and

1055 (b) The person who plays or participates in the
1056 simulated gambling program may become eligible to win, redeem or
1057 otherwise obtain a cash or cash-equivalent prize, whether or not
1058 the eligibility for or value of the prize is determined by or has
1059 any relationship to the outcome or play of the program.

1060 (3) As used in this section, the following words and phrases
1061 shall have the meanings ascribed in this subsection, unless the
1062 context clearly indicates otherwise:

1063 (a) "Simulated gambling program" means any method
1064 intended to be used by a person playing, participating or



1065 interacting with an electronic video monitor that is offered by
1066 another person or entity; that directly or indirectly implements
1067 the predetermination of a cash or cash-equivalent prize, or
1068 otherwise connects the player with the cash or cash-equivalent
1069 prize; and that is not legal under the Mississippi Gaming Control
1070 Act.

1071 (b) "Consideration associated with a product, service
1072 or activity other than the simulated gambling program" means money
1073 or other value collected for a product, service or activity that
1074 is offered in any direct or indirect relationship to playing or
1075 participating in the simulated gambling program. The term
1076 includes consideration paid for Internet access or computer time,
1077 or a sweepstakes entry.

1078 (c) "Electronic video monitor" means any unit,
1079 mechanism, computer or other terminal, or device that is capable
1080 of displaying moving or still images.

1081 (4) Any person or entity violating the provisions of this
1082 section, upon conviction, shall be guilty of a misdemeanor and
1083 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned
1084 for not less than one (1) year, or both.

1085 (5) The provisions of this section shall not apply to:

1086 (a) Any lawful activity that is conducted for the
1087 primary purpose of entertaining children under the age of eighteen
1088 (18) years, during which money is paid for a token or chip that is



1089 used to play an electronic or other game, with the winner of the
1090 game earning tickets that can be exchanged for prizes;

1091 (b) Any lawful marketing promotion, contest, prize or
1092 sweepstakes that is designed to attract consumer attention to a
1093 specific product or service which is offered for sale by the
1094 manufacturer, distributor, vendor or retailer of the product or
1095 service; or

1096 (c) Any promotional activity as defined in Section
1097 75-76-5 that is conducted by a gaming licensee.

1098 **SECTION 22.** Section 97-33-25, Mississippi Code of 1972, is
1099 amended as follows:

1100 97-33-25. If any person shall sell or buy, either directly
1101 or indirectly, any chance in what is commonly called pool, upon
1102 any event whatever, or shall in any manner engage in such business
1103 or pastime, he shall be fined not more than Five Hundred Dollars
1104 (\$500.00) or shall be imprisoned in the county jail not more than
1105 ninety (90) days; provided, however, this section shall not apply
1106 to betting, gaming or wagering:

1107 (a) On a cruise vessel as defined in Section 27-109-1
1108 whenever such vessel is in the waters within the State of
1109 Mississippi, which lie adjacent to the State of Mississippi south
1110 of the three (3) most southern counties in the State of
1111 Mississippi, including the Mississippi Sound, St. Louis Bay,
1112 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1113 of the county in which the port is located have not voted to



1114 prohibit such betting, gaming or wagering on cruise vessels as
1115 provided in Section 19-3-79;

1116 (b) In a structure located in whole or in part on shore
1117 in any of the three (3) most southern counties in the State of
1118 Mississippi in which the registered voters of the county have
1119 voted to allow such betting, gaming or wagering on cruise vessels
1120 as provided in Section 19-3-79, if:

1121 (i) The structure is owned, leased or controlled
1122 by a person possessing a gaming license, as defined in Section
1123 75-76-5, to conduct legal gaming on a cruise vessel under
1124 paragraph (a) of this section;

1125 (ii) The part of the structure in which licensed
1126 gaming activities are conducted is located entirely in an area
1127 which is located no more than eight hundred (800) feet from the
1128 mean high-water line (as defined in Section 29-15-1) of the waters
1129 within the State of Mississippi, which lie adjacent to the State
1130 of Mississippi south of the three (3) most southern counties in
1131 the State of Mississippi, including the Mississippi Sound, St.
1132 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1133 Harrison County only, no farther north than the southern boundary
1134 of the right-of-way for U.S. Highway 90, whichever is greater; and

1135 (iii) In the case of a structure that is located
1136 in whole or part on shore, the part of the structure in which
1137 licensed gaming activities are conducted shall lie adjacent to
1138 state waters south of the three (3) most southern counties in the



1139 State of Mississippi, including the Mississippi Sound, St. Louis
1140 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1141 structure is located consists of a parcel of real property,
1142 easements and rights-of-way for public streets and highways shall
1143 not be construed to interrupt the contiguous nature of the parcel,
1144 nor shall the footage contained within the easements and
1145 rights-of-way be counted in the calculation of the distances
1146 specified in subparagraph (ii) * * *;

1147 (c) On a vessel as defined in Section 27-109-1 whenever
1148 such vessel is on the Mississippi River or navigable waters within
1149 any county bordering on the Mississippi River, and in which the
1150 registered voters of the county in which the port is located have
1151 not voted to prohibit such betting, gaming or wagering on vessels
1152 as provided in Section 19-3-79; or

1153 (d) That is legal under the laws of the State of
1154 Mississippi.

1155 **SECTION 23.** Section 97-33-1, Mississippi Code of 1972, is
1156 brought forward as follows:

1157 97-33-1. Except as otherwise provided in Section 97-33-8, if
1158 any person shall encourage, promote or play at any game, play or
1159 amusement, other than a fight or fighting match between dogs, for
1160 money or other valuable thing, or shall wager or bet, promote or
1161 encourage the wagering or betting of any money or other valuable
1162 things, upon any game, play, amusement, cockfight, Indian ball
1163 play or duel, other than a fight or fighting match between dogs,



1164 or upon the result of any election, event or contingency whatever,
1165 upon conviction thereof, he shall be fined in a sum not more than
1166 Five Hundred Dollars (\$500.00); and, unless such fine and costs be
1167 immediately paid, shall be imprisoned for any period not more than
1168 ninety (90) days. However, this section shall not apply to
1169 betting, gaming or wagering:

1170 (a) On a cruise vessel as defined in Section 27-109-1
1171 whenever such vessel is in the waters within the State of
1172 Mississippi, which lie adjacent to the State of Mississippi south
1173 of the three (3) most southern counties in the State of
1174 Mississippi, including the Mississippi Sound, St. Louis Bay,
1175 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1176 of the county in which the port is located have not voted to
1177 prohibit such betting, gaming or wagering on cruise vessels as
1178 provided in Section 19-3-79;

1179 (b) In a structure located, in whole or in part, on
1180 shore in any of the three (3) most southern counties in the State
1181 of Mississippi in which the registered voters of the county have
1182 voted to allow such betting, gaming or wagering on cruise vessels
1183 as provided in Section 19-3-79, if:

1184 (i) The structure is owned, leased or controlled
1185 by a person possessing a gaming license, as defined in Section
1186 75-76-5, to conduct legal gaming on a cruise vessel under
1187 paragraph (a) of this section;



1188 (ii) The part of the structure in which licensed
1189 gaming activities are conducted is located entirely in an area
1190 which is located no more than eight hundred (800) feet from the
1191 mean high-water line (as defined in Section 29-15-1) of the waters
1192 within the State of Mississippi, which lie adjacent to the State
1193 of Mississippi south of the three (3) most southern counties in
1194 the State of Mississippi, including the Mississippi Sound, St.
1195 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1196 Harrison County only, no farther north than the southern boundary
1197 of the right-of-way for U.S. Highway 90, whichever is greater; and

1198 (iii) In the case of a structure that is located
1199 in whole or part on shore, the part of the structure in which
1200 licensed gaming activities are conducted shall lie adjacent to
1201 state waters south of the three (3) most southern counties in the
1202 State of Mississippi, including the Mississippi Sound, St. Louis
1203 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1204 structure is located consists of a parcel of real property,
1205 easements and rights-of-way for public streets and highways shall
1206 not be construed to interrupt the contiguous nature of the parcel,
1207 nor shall the footage contained within the easements and
1208 rights-of-way be counted in the calculation of the distances
1209 specified in subparagraph (ii);

1210 (c) On a vessel as defined in Section 27-109-1 whenever
1211 such vessel is on the Mississippi River or navigable waters within
1212 any county bordering on the Mississippi River, and in which the



1213 registered voters of the county in which the port is located have
1214 not voted to prohibit such betting, gaming or wagering on vessels
1215 as provided in Section 19-3-79; or

1216 (d) That is legal under the laws of the State of
1217 Mississippi.

1218 **SECTION 24.** Section 97-33-7, Mississippi Code of 1972, is
1219 brought forward as follows:

1220 97-33-7. (1) Except as otherwise provided in Section
1221 97-33-8, it shall be unlawful for any person or persons, firm,
1222 copartnership or corporation to have in possession, own, control,
1223 display, or operate any cane rack, knife rack, artful dodger,
1224 punch board, roll down, merchandise wheel, slot machine, pinball
1225 machine, or similar device or devices. Provided, however, that
1226 this section shall not be so construed as to make unlawful the
1227 ownership, possession, control, display or operation of any
1228 antique coin machine as defined in Section 27-27-12, or any music
1229 machine or bona fide automatic vending machine where the purchaser
1230 receives exactly the same quantity of merchandise on each
1231 operation of said machine. Any slot machine other than an antique
1232 coin machine as defined in Section 27-27-12 which delivers, or is
1233 so constructed as that by operation thereof it will deliver to the
1234 operator thereof anything of value in varying quantities, in
1235 addition to the merchandise received, and any slot machine other
1236 than an antique coin machine as defined in Section 27-27-12 that
1237 is constructed in such manner as that slugs, tokens, coins or



1238 similar devices are, or may be, used and delivered to the operator
1239 thereof in addition to merchandise of any sort contained in such
1240 machine, is hereby declared to be a gambling device, and shall be
1241 deemed unlawful under the provisions of this section. Provided,
1242 however, that pinball machines which do not return to the operator
1243 or player thereof anything but free additional games or plays
1244 shall not be deemed to be gambling devices, and neither this
1245 section nor any other law shall be construed to prohibit same.

1246 (2) No property right shall exist in any person, natural or
1247 artificial, or be vested in such person, in any or all of the
1248 devices described herein that are not exempted from the provisions
1249 of this section; and all such devices are hereby declared to be at
1250 all times subject to confiscation and destruction, and their
1251 possession shall be unlawful, except when in the possession of
1252 officers carrying out the provisions of this section. It shall be
1253 the duty of all law enforcing officers to seize and immediately
1254 destroy all such machines and devices.

1255 (3) A first violation of the provisions of this section
1256 shall be deemed a misdemeanor, and the party offending shall, upon
1257 conviction, be fined in any sum not exceeding Five Hundred Dollars
1258 (\$500.00), or imprisoned not exceeding three (3) months, or both,
1259 in the discretion of the court. In the event of a second
1260 conviction for a violation of any of the provisions of this
1261 section, the party offending shall be subject to a sentence of not
1262 less than six (6) months in the county jail, nor more than two (2)



1263 years in the State Penitentiary, in the discretion of the trial
1264 court.

1265 (4) Notwithstanding any provision of this section to the
1266 contrary, it shall not be unlawful to operate any equipment or
1267 device described in subsection (1) of this section or any gaming,
1268 gambling or similar device or devices by whatever name called
1269 while:

1270 (a) On a cruise vessel as defined in Section 27-109-1
1271 whenever such vessel is in the waters within the State of
1272 Mississippi, which lie adjacent to the State of Mississippi south
1273 of the three (3) most southern counties in the State of
1274 Mississippi, including the Mississippi Sound, St. Louis Bay,
1275 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1276 of the county in which the port is located have not voted to
1277 prohibit such betting, gaming or wagering on cruise vessels as
1278 provided in Section 19-3-79;

1279 (b) In a structure located, in whole or in part, on
1280 shore in any of the three (3) most southern counties in the State
1281 of Mississippi in which the registered voters of the county have
1282 voted to allow such betting, gaming or wagering on cruise vessels
1283 as provided in Section 19-3-79, if:

1284 (i) The structure is owned, leased or controlled
1285 by a person possessing a gaming license, as defined in Section
1286 75-76-5, to conduct legal gaming on a cruise vessel under
1287 paragraph (a) of this subsection;



1288 (ii) The part of the structure in which licensed
1289 gaming activities are conducted is located entirely in an area
1290 which is located no more than eight hundred (800) feet from the
1291 mean high-water line (as defined in Section 29-15-1) of the waters
1292 within the State of Mississippi, which lie adjacent to the State
1293 of Mississippi south of the three (3) most southern counties in
1294 the State of Mississippi, including the Mississippi Sound, St.
1295 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1296 Harrison County only, no farther north than the southern boundary
1297 of the right-of-way for U.S. Highway 90, whichever is greater; and

1298 (iii) In the case of a structure that is located
1299 in whole or part on shore, the part of the structure in which
1300 licensed gaming activities are conducted shall lie adjacent to
1301 state waters south of the three (3) most southern counties in the
1302 State of Mississippi, including the Mississippi Sound, St. Louis
1303 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1304 structure is located consists of a parcel of real property,
1305 easements and rights-of-way for public streets and highways shall
1306 not be construed to interrupt the contiguous nature of the parcel,
1307 nor shall the footage contained within the easements and
1308 rights-of-way be counted in the calculation of the distances
1309 specified in subparagraph (ii);

1310 (c) On a vessel as defined in Section 27-109-1 whenever
1311 such vessel is on the Mississippi River or navigable waters within
1312 any county bordering on the Mississippi River, and in which the



1313 registered voters of the county in which the port is located have
1314 not voted to prohibit such betting, gaming or wagering on vessels
1315 as provided in Section 19-3-79; or

1316 (d) That is legal under the laws of the State of
1317 Mississippi.

1318 (5) Notwithstanding any provision of this section to the
1319 contrary, it shall not be unlawful (a) to own, possess, repair or
1320 control any gambling device, machine or equipment in a licensed
1321 gaming establishment or on the business premises appurtenant to
1322 any such licensed gaming establishment during any period of time
1323 in which such licensed gaming establishment is being constructed,
1324 repaired, maintained or operated in this state; (b) to install any
1325 gambling device, machine or equipment in any licensed gaming
1326 establishment; (c) to possess or control any gambling device,
1327 machine or equipment during the process of procuring or
1328 transporting such device, machine or equipment for installation on
1329 any such licensed gaming establishment; or (d) to store in a
1330 warehouse or other storage facility any gambling device, machine,
1331 equipment, or part thereof, regardless of whether the county or
1332 municipality in which the warehouse or storage facility is located
1333 has approved gaming aboard cruise vessels or vessels, provided
1334 that such device, machine or equipment is operated only in a
1335 county or municipality that has approved gaming aboard cruise
1336 vessels or vessels. Any gambling device, machine or equipment
1337 that is owned, possessed, controlled, installed, procured,



1338 repaired, transported or stored in accordance with this subsection
1339 shall not be subject to confiscation, seizure or destruction, and
1340 any person, firm, partnership or corporation which owns,
1341 possesses, controls, installs, procures, repairs, transports or
1342 stores any gambling device, machine or equipment in accordance
1343 with this subsection shall not be subject to any prosecution or
1344 penalty under this section. Any person constructing or repairing
1345 such cruise vessels or vessels within a municipality shall comply
1346 with all municipal ordinances protecting the general health or
1347 safety of the residents of the municipality.

1348 **SECTION 25.** This act shall take effect and be in force from
1349 and after July 1, 2024.

