

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

To: Gaming

HOUSE BILL NO. 774
(As Passed the House)

1 AN ACT TO CREATE THE MISSISSIPPI MOBILE SPORTS WAGERING ACT;
2 TO PROVIDE DEFINITIONS FOR THE ACT; TO PROVIDE THAT "ONLINE RACE
3 BOOK" AND "ONLINE SPORTS POOL" BETTING SHALL BE LEGAL IN THIS
4 STATE; TO REQUIRE A PLATFORM THAT OPERATES AN ONLINE SPORTS POOL
5 OR ONLINE RACE BOOK TO A MANUFACTURER'S AND DISTRIBUTOR'S LICENSE;
6 TO AUTHORIZE LICENSED GAMING ESTABLISHMENTS TO CONTRACT WITH NO
7 MORE THAN ONE PLATFORM; TO PROVIDE THAT A PLATFORM SHALL ONLY
8 ACCEPT WAGERS FROM PLAYERS LOCATED IN MISSISSIPPI; TO REQUIRE THE
9 PLATFORM CONTRACT FOR GEOFENCING AND AGE VERIFICATION; TO PROHIBIT
10 PLAY BY ANY PERSON UNDER THE AGE OF 21; TO IMPOSE A FEE ON THE
11 GROSS REVENUE OF A LICENSED GAMING ESTABLISHMENT, INCLUDING A
12 PLATFORM THAT OPERATES AN ONLINE SPORTS POOL, ONLINE RACE BOOK OR
13 BOTH ON BEHALF OF THE HOLDER OF A GAMING LICENSE, WHICH IS DERIVED
14 FROM THE ACTIVITIES AUTHORIZED IN THIS ACT AND TO EXEMPT SUCH
15 GROSS REVENUE FROM CERTAIN FEES IMPOSED OR AUTHORIZED UNDER THE
16 MISSISSIPPI GAMING CONTROL ACT AND ANY LOCAL AND PRIVATE LAW OF
17 THE STATE OF MISSISSIPPI; TO PROVIDE FOR THE DISTRIBUTION OF
18 PROCEEDS COLLECTED FROM SUCH FEE; TO AMEND SECTIONS 97-33-17,
19 75-76-5 AND 75-76-33, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
20 PRECEDING SECTIONS; TO AMEND SECTION 75-76-89, MISSISSIPPI CODE OF
21 1972, TO CLARIFY THE INCLUSION OF ONLINE RACE BOOK AND SPORTS BOOK
22 FOR GAMING LICENSING; TO AMEND SECTION 75-76-91, MISSISSIPPI CODE
23 OF 1972, TO REQUIRE THE LICENSED GAMING ESTABLISHMENT TO DISPLAY
24 THE LICENSE OF THE PLATFORM IT IS CONTRACTED WITH; TO AMEND
25 SECTION 75-76-203, MISSISSIPPI CODE OF 1972, TO PROVIDE AN
26 EXCEPTION FOR AN OFFICE IN THIS STATE FOR PLATFORMS; TO BRING
27 FORWARD SECTIONS 75-76-211, 75-76-55, 75-76-205 AND 75-76-175,
28 MISSISSIPPI CODE OF 1972, WHICH REGULATE CORPORATE GAMING
29 ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO AMEND SECTIONS
30 75-76-177, 75-76-101 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO
31 CLARIFY CERTAIN PROVISIONS; TO BRING FORWARD SECTIONS 97-33-305
32 AND 97-33-8, MISSISSIPPI CODE OF 1972, WHICH REGULATE GAMING
33 ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO AMEND SECTIONS
34 97-33-25 AND 75-76-79, MISSISSIPPI CODE OF 1972, TO CLARIFY THE



35 PROVISIONS; TO BRING FORWARD SECTIONS 97-33-1 AND 97-33-7, WHICH
36 RESTRICT CERTAIN TYPES OF WAGERS, FOR PURPOSES OF AMENDMENT; AND
37 FOR RELATED PURPOSES.

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

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

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

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

45 (b) "Executive director" means the Executive Director
46 of the Mississippi Gaming Commission as defined in Section
47 75-76-7.

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

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

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

56 (f) "Interactive gaming" means wagering on any
57 interactive game.

58 (g) "Interactive game" means computerized or virtual
59 versions of any game as defined in Section 75-76-5 or any other
60 game of chance or digital simulation thereof, including, but not
61 limited to, casino themed slot machines or gaming devices, table



62 games or other such games as approved by the commission for play
63 in a licensed establishment.

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

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

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

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

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

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



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

90 (o) "Sporting event" means any amateur sport or
91 athletic event, professional sport or athletic event, collegiate
92 sport or athletic event, motor race event, electronic sports
93 event, competitive video game event, or any other event authorized
94 by the Mississippi Gaming Control Act or the commission for
95 wagering under this act.

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

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

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



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

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

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

125 (4) Application for licensure shall be made to the executive
126 director on forms furnished by the executive director and in
127 accordance with the commission's regulations regarding
128 manufacturer's and distributor's licenses.

129 (5) The commission shall, from time to time, adopt, amend or
130 repeal such regulations, consistent with the policy, objects and
131 purposes of this chapter, as it may deem necessary or desirable in
132 the public interest in carrying out the policy and provisions of
133 this chapter. The commission shall comply with the Mississippi
134 Administrative Procedures Law when adopting, amending or repealing
135 any regulations authorized under this section or under any other
136 provision of this chapter.



137 SECTION 4. (1) Each licensed establishment may enter into
138 contracts with no more than one (1) platform to operate an online
139 sports pool and/or online race book on behalf of the holder of the
140 gaming license for such licensed establishment. Each platform
141 may, but is not required to, offer both an online sports pool and
142 an online race book. Notwithstanding any provision of law to the
143 contrary, a platform may, on behalf of its gaming license holder,
144 determine whether to accept or reject wagers, determine the
145 results of wagers, and payout winning wagers.

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

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

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



162 related to such services required by the commission. Servers,
163 including the use of backup servers, may be located outside of
164 this state, consistent with federal law. To the extent required
165 by federal law, a platform shall maintain in this state the
166 servers it uses to accept wagers on an online sports pool, online
167 race book, or interactive gaming inside the casino placed by
168 bettors located in this state.

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

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

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

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

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

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



187 (d) Suspicious or illegal wagering activities,
188 including the use of funds derived from illegal activity, wagers
189 to conceal or launder funds derived from illegal activity, use of
190 agents to place wagers, or use of false identification.

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

194 **SECTION 5.** The gross revenue of a licensed gaming
195 establishment, including a platform that operates an online sports
196 pool, online race book or both on behalf of the holder of a gaming
197 license, which is derived from the activities described in
198 Sections 1 through 5 of this act shall be subject to a fee of
199 twelve percent (12%) of the amount of such revenue and shall not
200 be subject to any fees imposed and/or authorized under Section
201 75-76-177, Mississippi Code of 1972, Section 75-76-195,
202 Mississippi Code of 1972, and/or the authority of a local and
203 private law of the State of Mississippi. Fees paid by a licensee
204 under this section shall be allowed as a credit against the income
205 tax liability of the licensee for that taxable year.

206 On or before the last day of each month all fees collected by
207 the Department of Revenue during that month under the provisions
208 of this section shall be paid by the Department of Revenue to the
209 State Treasurer to be deposited in the Emergency Road and Bridge
210 Repair Fund created in Section 65-1-179, Mississippi Code of 1972.



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

213 97-33-17. (1) All monies exhibited for the purpose of
214 betting or alluring persons to bet at any game, and all monies
215 staked or betted, shall be liable to seizure by any sheriff,
216 constable, or police officer, together with all the appliances
217 used or kept for use in gambling, or by any other person; and all
218 the monies so seized shall be accounted for by the person making
219 the seizure, and all appliances seized shall be destroyed;
220 provided, however, this section shall not apply to betting, gaming
221 or wagering * * *:

222 (a) On a cruise vessel as defined in Section 27-109-1
223 whenever such vessel is in the waters within the State of
224 Mississippi, which lie adjacent to the State of Mississippi south
225 of the three (3) most southern counties in the State of
226 Mississippi, including the Mississippi Sound, St. Louis Bay,
227 Biloxi Bay and Pascagoula Bay, and in which the registered voters
228 of the county in which the port is located have not voted to
229 prohibit such betting, gaming or wagering on cruise vessels as
230 provided in Section 19-3-79;

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



236 (i) The structure is owned, leased or controlled
237 by a person possessing a gaming license, as defined in Section
238 75-76-5, to conduct legal gaming on a cruise vessel under
239 paragraph (a) of this subsection;

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

250 (iii) In the case of a structure that is located
251 in whole or part on shore, the part of the structure in which
252 licensed gaming activities are conducted shall lie adjacent to
253 state waters south of the three (3) most southern counties in the
254 State of Mississippi, including the Mississippi Sound, St. Louis
255 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
256 structure is located consists of a parcel of real property,
257 easements and rights-of-way for public streets and highways shall
258 not be construed to interrupt the contiguous nature of the parcel,
259 nor shall the footage contained within the easements and



260 rights-of-way be counted in the calculation of the distances
261 specified in subparagraph (ii) * * *;

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

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

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

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

276 75-76-5. As used in this chapter, unless the context
277 requires otherwise:

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

283 (b) "Application" means a request for the issuance of a
284 state gaming license, registration or finding of suitability under



285 the provisions of this chapter or for approval of any act or
286 transaction for which approval is required or permitted under the
287 provisions of this chapter but does not include any supplemental
288 forms or information that may be required with the application.

289 (c) "Associated equipment" means any equipment or
290 mechanical, electromechanical or electronic contrivance, component
291 or machine used remotely or directly in connection with gaming or
292 with any game, race book or sports pool that would not otherwise
293 be classified as a gaming device, including dice, playing cards,
294 links which connect to progressive slot machines, equipment which
295 affects the proper reporting of gross revenue, computerized
296 systems of betting at a race book or sports pool, computerized
297 systems for monitoring slot machines, and devices for weighing or
298 counting money.

299 (d) "Chairman" means the Chairman of the Mississippi
300 Gaming Commission except when used in the term "Chairman of the
301 State Tax Commission." "Chairman of the State Tax Commission" or
302 "commissioner" means the Commissioner of Revenue of the Department
303 of Revenue.

304 (e) "Commission" or "Mississippi Gaming Commission"
305 means the Mississippi Gaming Commission.

306 (f) "Commission member" means a member of the
307 Mississippi Gaming Commission.

308 (g) "Credit instrument" means a writing which evidences
309 a gaming debt owed to a person who holds a license at the time the



310 debt is created, and includes any writing taken in consolidation,
311 redemption or payment of a prior credit instrument.

312 (h) "Enforcement division" means a particular division
313 supervised by the executive director that provides enforcement
314 functions.

315 (i) "Establishment" means any premises wherein or
316 whereon any gaming is done.

317 (j) "Executive director" means the Executive Director
318 of the Mississippi Gaming Commission.

319 (k) Except as otherwise provided by law, "game," or
320 "gambling game" means any banking or percentage game played with
321 cards, with dice or with any mechanical, electromechanical or
322 electronic device or machine for money, property, checks, credit
323 or any representative of value, including, without limiting, the
324 generality of the foregoing, faro, monte, roulette, keno, fan tan,
325 twenty one, blackjack, seven and a half, big injun, klondike,
326 craps, poker, chuck a luck (dai shu), wheel of fortune, chemin de
327 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
328 or any other game or device approved by the commission. However,
329 "game" or "gambling game" shall not include bingo games or raffles
330 which are held pursuant to the provisions of Section 97-33-51, or
331 the illegal gambling activities described in Section 97-33-8.

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



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

338 (m) "Gaming device" means any mechanical,
339 electromechanical or electronic contrivance, component or machine
340 used in connection with gaming or any game which affects the
341 result of a wager by determining win or loss. The term includes a
342 system for processing information which can alter the normal
343 criteria of random selection, which affects the operation of any
344 game, or which determines the outcome of a game. The term does
345 not include a system or device which affects a game solely by
346 stopping its operation so that the outcome remains undetermined,
347 and does not include any antique coin machine as defined in
348 Section 27-27-12.

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

- 352 (i) Boxmen;
- 353 (ii) Cashiers;
- 354 (iii) Change personnel;
- 355 (iv) Counting room personnel;
- 356 (v) Dealers;
- 357 (vi) Floormen;
- 358 (vii) Hosts or other persons empowered to extend
359 credit or complimentary services;



- 360 (viii) Keno runners;
- 361 (ix) Keno writers;
- 362 (x) Machine mechanics;
- 363 (xi) Security personnel;
- 364 (xii) Shift or pit bosses;
- 365 (xiii) Shills;
- 366 (xiv) Supervisors or managers; and
- 367 (xv) Ticket writers.

368 The term "gaming employee" also includes employees of
369 manufacturers or distributors of gaming equipment within this
370 state whose duties are directly involved with the manufacture,
371 repair or distribution of gaming equipment.

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

375 (o) "Gaming license" means any license issued by the
376 state which authorizes the person named therein to engage in
377 gaming.

378 (p) "Gross revenue" means the total of all of the
379 following, less the total of all cash paid out as losses to
380 patrons and those amounts paid to purchase annuities to fund
381 losses paid to patrons over several years by independent financial
382 institutions:

- 383 (i) Cash received as winnings;



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

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

388 For the purposes of this definition, cash or the value of
389 noncash prizes awarded to patrons in a contest or tournament are
390 not losses.

391 The term does not include:

392 (i) Counterfeit money or tokens;

393 (ii) Coins of other countries which are received
394 in gaming devices;

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

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

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

402 (r) "Investigation division" means a particular
403 division supervised by the executive director that provides
404 investigative functions.

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

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



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

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

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

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

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

420 (z) "Party" means the Mississippi Gaming Commission and
421 any licensee or other person appearing of record in any proceeding
422 before the commission; or the Mississippi Gaming Commission and
423 any licensee or other person appearing of record in any proceeding
424 for judicial review of any action, decision or order of the
425 commission.

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

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

432 (cc) "Race book" means the business of accepting wagers
433 upon the outcome of any event held at a track which uses the



434 pari-mutuel system of wagering and includes "online race book" as
435 defined by this act.

436 (dd) "Regulation" means a rule, standard, directive or
437 statement of general applicability which effectuates law or policy
438 or which describes the procedure or requirements for practicing
439 before the commission. The term includes a proposed regulation
440 and the amendment or repeal of a prior regulation but does not
441 include:

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

445 (ii) A declaratory ruling;

446 (iii) An interagency memorandum;

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

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

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

453 (ff) "Slot machine" means any mechanical, electrical or
454 other device, contrivance or machine which, upon insertion of a
455 coin, token or similar object, or upon payment of any
456 consideration, is available to play or operate, the play or
457 operation of which, whether by reason of the skill of the operator
458 or application of the element of chance, or both, may deliver or



459 entitle the person playing or operating the machine to receive
460 cash, premiums, merchandise, tokens or anything of value, whether
461 the payoff is made automatically from the machine or in any other
462 manner. The term does not include any antique coin machine as
463 defined in Section 27-27-12.

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

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

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

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

476 (kk) "Work permit" means any card, certificate or
477 permit issued by the commission, whether denominated as a work
478 permit, registration card or otherwise, authorizing the employment
479 of the holder as a gaming employee. A document issued by any
480 governmental authority for any employment other than gaming is not
481 a valid work permit for the purposes of this chapter.



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

485 (mm) "Cheat" means to alter the selection of criteria
486 that determine:

487 (i) The rules of a game; or

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

489 (nn) "Promotional activity" means an activity or event
490 conducted or held for the purpose of promoting or marketing the
491 individual licensed gaming establishment that is engaging in the
492 promotional activity. The term includes, but is not limited to, a
493 game of any kind other than as defined in paragraph (k) of this
494 section, a tournament, a contest, a drawing, or a promotion of any
495 kind.

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

498 75-76-33. (1) The commission shall, from time to time,
499 adopt, amend or repeal such regulations, consistent with the
500 policy, objects and purposes of this chapter, as it may deem
501 necessary or desirable in the public interest in carrying out the
502 policy and provisions of this chapter. The commission shall
503 comply with the Mississippi Administrative Procedures Law when
504 adopting, amending or repealing any regulations authorized under
505 this section or under any other provision of this chapter.



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

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

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

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

519 (d) Requiring fingerprinting of an applicant or
520 licensee, and gaming employees of a licensee, or other methods of
521 identification and the forwarding of all fingerprints taken
522 pursuant to regulation of the Federal Bureau of Investigation.

523 (e) Prescribing the manner and procedure of all
524 hearings conducted by the commission or any hearing examiner of
525 the commission, including special rules of evidence applicable
526 thereto and notices thereof.

527 (f) Requiring any applicant to pay all or any part of
528 the fees and costs of investigation of such applicant as may be
529 determined by the commission under paragraph (g) of this
530 subsection (2).



531 (g) Prescribing the amounts of investigative fees only
532 as authorized by regulations of the commission under paragraph (f)
533 of this subsection, and collecting those fees. The commission
534 shall adopt regulations setting the amounts of those fees at
535 levels that will provide the commission with sufficient revenue,
536 when combined with any other monies as may be deposited into the
537 Mississippi Gaming Commission Fund created in Section 75-76-325,
538 to carry out the provisions of this chapter without any state
539 general funds. In calculating the amount of such fees, the
540 commission shall:

541 (i) Attempt to set the fees at levels that will
542 create a balance in the Mississippi Gaming Commission Fund that
543 does not exceed, at the end of any state fiscal year, two percent
544 (2%) of the projected amount of funds that will provide the
545 commission with such sufficient revenue; and

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

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

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

553 (j) Requiring any applicant or licensee to waive any
554 privilege with respect to any testimony at any hearing or meeting



555 of the commission, except any privilege afforded by the
556 Constitution of the United States or this state.

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

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

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

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

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

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

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



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

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

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

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

595 75-76-89. (1) Except as otherwise provided in subsection
596 (* * *2) of this section, all licenses issued to the same person,
597 including a wholly owned subsidiary of that person, for the
598 operation of any game, including a sports pool or race book,
599 whether online or in person, which authorize gaming at the same
600 establishment must be merged into a single gaming license. A
601 gaming license may not be issued to any person if the issuance
602 would result in more than one (1) licensed operation at a single
603 establishment, unless authorized by this act whether or not the



604 profits or revenue from gaming are shared between the licensed
605 operations.

606 (2) A person who has been issued a gaming license, or a
607 platform on behalf of the holder of a gaming license, may
608 establish a sports pool or race book on the premises of the
609 establishment at which he or she conducts a gaming operation or
610 operates an online sports pool or online race book only after
611 obtaining permission from the executive director.

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

614 75-76-91. (1) All licenses issued under the provisions of
615 this chapter must be posted by the licensee and kept posted at all
616 times in a conspicuous place in the establishment for which issued
617 until replaced by a succeeding license. The gaming licensee shall
618 also conspicuously post the license for the platform used in its
619 establishment.

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

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

624 75-76-203. In order to be eligible to receive a state gaming
625 license, a corporation shall:

626 (a) Be incorporated:

627 (i) In the State of Mississippi, although such
628 corporation may be a wholly or partly owned subsidiary of a



629 corporation which is chartered in another state of the United
630 States; or

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

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

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

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

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

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

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

649 75-76-205. No domestic corporation is eligible to receive a
650 gaming license unless it is in good standing in this state. No
651 foreign corporation is eligible to receive a gaming license unless
652 it qualifies to do business in this state.



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

655 75-76-211. All officers and directors of the corporation
656 which holds or applies for a state gaming license must be licensed
657 individually, according to the provisions of this chapter; and if,
658 in the judgment of the commission, the public interest will be
659 served by requiring any or all of the corporation's individual
660 stockholders, lenders, holders of evidences of indebtedness,
661 underwriters, key executives, agents or employees to be licensed,
662 the corporation shall require such persons to apply for a license
663 in accordance with the laws and requirements in effect at the time
664 the commission requires such licensing. A person who is required
665 to be licensed by this section shall apply for a license within
666 thirty (30) days after he becomes an officer or director. A
667 person who is required to be licensed pursuant to a decision of
668 the commission shall apply for a license within thirty (30) days
669 after the executive director requests him to do so.

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

672 75-76-55. (1) Except as otherwise provided in Section
673 75-76-34, it is unlawful for any person, either as owner, lessee
674 or employee, whether for hire or not, either solely or in
675 conjunction with others, without having first procured and
676 thereafter maintaining in effect a state gaming license:



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

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

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

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

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

698 75-76-79. (1) (a) Except as otherwise provided in
699 paragraphs (b) and (c) of this subsection, it is unlawful for any
700 person, either as owner, lessee or employee, whether for hire or
701 not, to operate, carry on, conduct or maintain any form of



702 manufacture, selling or distribution of any gaming device for use
703 or play in Mississippi or for distribution outside of Mississippi
704 without first procuring and maintaining all required federal and
705 state licenses.

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

708 (c) The holder of a state gaming license or the holding
709 company of a corporate licensee may, within two (2) years after
710 cessation of business or upon specific approval by the executive
711 director, dispose of by sale in a manner approved by the executive
712 director, any or all of its gaming devices, including slot
713 machines, without a distributor's license. In cases of bankruptcy
714 of a state gaming licensee or foreclosure of a lien by a bank or
715 other person holding a security interest for which gaming devices
716 are security, in whole or in part, for the lien, the executive
717 director may authorize the disposition of the gaming devices
718 without requiring a distributor's license.

719 (d) Any person whom the commission determines is a
720 suitable person to receive a license under the provisions of this
721 section may be issued a manufacturer's or distributor's license.
722 The burden of proving his qualification to receive or hold a
723 license under this section is at all times on the applicant or
724 licensee.

725 (e) Every person who must be licensed pursuant to this
726 section is subject to the provisions of Sections 75-76-199 through



727 75-76-265, unless exempted from those provisions by the
728 commission.

729 (f) The commission may exempt, for any purpose, a
730 manufacturer, seller or distributor from the provisions of
731 Sections 75-76-199 through 75-76-265, if the commission determines
732 that the exemption is consistent with the purposes of this
733 chapter.

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

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

738 (a) No new gaming device or associated equipment
739 manufactured by the manufacturer or distributed by the distributor
740 may be approved;

741 (b) Any previously approved device or associated
742 equipment manufactured by the manufacturer or distributed by the
743 distributor is subject to revocation of approval if the reasons
744 for the denial of the license also apply to that device or
745 associated equipment;

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

749 (d) Any association or agreement between the
750 manufacturer or distributor and a licensee must be terminated,
751 unless otherwise provided by the commission. An agreement between



752 such a manufacturer or distributor of gaming devices or associated
753 equipment and a licensee shall be deemed to include a provision
754 for its termination without liability on the part of the licensee
755 upon a finding by the commission that the manufacturer is
756 unsuitable to be associated with a gaming enterprise. Failure to
757 include that condition in the agreement is not a defense in any
758 action brought pursuant to this section to terminate the
759 agreement.

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

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

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

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

772 This fee is to be paid by the applicant to the * * *
773 Department of Revenue on or before the filing of the application
774 for a manufacturer's, seller's or distributor's license by the
775 applicant. Upon such payment the * * * Commissioner of Revenue



776 shall certify to the executive director that such fee has been
777 paid by the applicant.

778 Except for those amounts that a person issued a
779 manufacturer's license under this section may charge for goods
780 supplied or services rendered, the person holding the
781 manufacturer's license may not be directly reimbursed by a holder
782 of a gaming license for the cost of any fee paid by the person for
783 the issuance or continuation of such a license, whether imposed
784 under this section or any other provision of this chapter.

785 (5) A manufacturer or distributor of associated equipment
786 who sells, transfers or offers the associated equipment for use or
787 play in Mississippi may be required by the executive director to
788 file an application for a finding of suitability to be a
789 manufacturer or distributor of associated equipment.

790 Any person who directly or indirectly involves himself in the
791 sale, transfer or offering for use or play in Mississippi of
792 associated equipment who is not otherwise required to be licensed
793 as a manufacturer or distributor may be required by the executive
794 director to file an application for a finding of suitability to be
795 a manufacturer or distributor of associated equipment.

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



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

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

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

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

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

811 In addition to all other fees and charges imposed by this
812 chapter, the executive director may determine an inspection fee
813 with regard to each manufacturer, seller or distributor which must
814 not exceed the actual cost of inspection and investigation. Upon
815 such determination, the executive director shall certify to the
816 * * * Commissioner of Revenue the amount of the inspection fee
817 and the name and address of the applicant. Upon such
818 certification the * * * Department of Revenue shall proceed to
819 assess and collect such inspection fee from the applicant.

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

822 75-76-101. (1) All gaming must be conducted with chips,
823 tokens or other instrumentalities approved by the executive
824 director or with the legal tender of the United States.



825 (2) Except for an online sports pool or online race book, no
826 licensee shall permit participation by a person in a game
827 conducted in the licensed gaming establishment if such person is
828 not physically present in the licensed gaming establishment during
829 the period of time when such game is being conducted, and all
830 games and the participation of patrons therein shall be entirely
831 located and conducted on the licensed premises.

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

834 75-76-175. (1) A credit instrument accepted on or after
835 June 29, 1991, is valid and may be enforced by legal process.

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

838 (a) Is signed by a patron; and

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

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

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

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

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



850 (c) May accept a credit instrument that is payable to
851 an affiliated company or may complete a credit instrument in the
852 name of an affiliated company as payee if the credit instrument
853 otherwise complies with this subsection and the records of the
854 affiliated company pertaining to the credit instrument are made
855 available to the executive director upon request.

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

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

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

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

867 75-76-177. (1) From and after August 1, 1990, there is
868 hereby imposed and levied on each gaming licensee a license fee
869 based upon all the gross revenue of the licensee as follows:

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

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



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

877 (c) Eight percent (8%) of all the gross revenue of the
878 licensee which exceeds One Hundred Thirty four Thousand Dollars
879 (\$134,000.00) per calendar month.

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

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

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

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

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



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

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

905 97-33-305. (1) Fantasy contests are legal in this state. A
906 fantasy contest operator must comply with the provisions of this
907 section if the operator's total player roster for all fantasy
908 contests consists of one hundred (100) or more members of the
909 general public.

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

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

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

919 (c) Prevent the operator from participating in a
920 fantasy contest offered by the operator;

921 (d) Verify that a fantasy contest player is eighteen
922 (18) years of age or older except as required in Section
923 97-33-307(5);



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

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

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

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

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

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

946 (iii) If the number of players in a contest is at
947 least thirty seven (37) but no more than one hundred (100), an



948 operator shall not allow a player to submit more than three (3)
949 entries.

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

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

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

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

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

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

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

970 (j) Identify all highly experienced players in every
971 fantasy contest by a symbol attached to the players' usernames, or



972 by other easily visible means, on all platforms supported by the
973 operator; and

974 (k) Segregate fantasy contest player funds from
975 operational funds or maintain a reserve in the form of cash, cash
976 equivalents, payment processor reserves and receivables, an
977 irrevocable letter of credit, a bond, or a combination thereof, in
978 the amount of the total account balances of the fantasy contest
979 players for the benefit and protection of the funds held in the
980 accounts.

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

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

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

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

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



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

998 (6) Operators shall prohibit the use of third party scripts
999 or scripting programs for any contest and ensure that measures are
1000 in place to deter, detect and, to the extent reasonably possible,
1001 prevent cheating, including collusion, and the use of cheating
1002 devices, including use of software programs that submit entry fees
1003 or adjust the athletes selected by a player.

1004 (7) The values of all prizes and awards offered to winning
1005 players must be established and made known to the players in
1006 advance of the contest.

1007 **SECTION 20.** Section 97-33-27, Mississippi Code of 1972, is
1008 amended as follows:

1009 97-33-27. If any person shall bet on a horse race or a yacht
1010 race or on a shooting match, he shall be fined not more than Five
1011 Hundred Dollars (\$500.00), and, unless the fine and costs be
1012 immediately paid, he shall be imprisoned in the county jail not
1013 more than ninety (90) days; provided, however, this section shall
1014 not apply to betting, gaming or wagering:

1015 (a) On a cruise vessel as defined in Section 27-109-1
1016 whenever such vessel is in the waters within the State of
1017 Mississippi, which lie adjacent to the State of Mississippi south
1018 of the three (3) most southern counties in the State of
1019 Mississippi, including the Mississippi Sound, St. Louis Bay,



1020 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1021 of the county in which the port is located have not voted to
1022 prohibit such betting, gaming or wagering on cruise vessels as
1023 provided in Section 19-3-79;

1024 (b) In a structure located in whole or in part on shore
1025 in any of the three (3) most southern counties in the State of
1026 Mississippi in which the registered voters of the county have
1027 voted to allow such betting, gaming or wagering on cruise vessels
1028 as provided in Section 19-3-79, if:

1029 (i) The structure is owned, leased or controlled
1030 by a person possessing a gaming license, as defined in Section
1031 75-76-5, to conduct legal gaming on a cruise vessel under
1032 paragraph (a) of this section;

1033 (ii) The part of the structure in which licensed
1034 gaming activities are conducted is located entirely in an area
1035 which is located no more than eight hundred (800) feet from the
1036 mean high-water line (as defined in Section 29-15-1) of the waters
1037 within the State of Mississippi, which lie adjacent to the State
1038 of Mississippi south of the three (3) most southern counties in
1039 the State of Mississippi, including the Mississippi Sound, St.
1040 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1041 Harrison County only, no farther north than the southern boundary
1042 of the right-of-way for U.S. Highway 90, whichever is greater; and

1043 (iii) In the case of a structure that is located
1044 in whole or part on shore, the part of the structure in which



1045 licensed gaming activities are conducted shall lie adjacent to
1046 state waters south of the three (3) most southern counties in the
1047 State of Mississippi, including the Mississippi Sound, St. Louis
1048 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1049 structure is located consists of a parcel of real property,
1050 easements and rights-of-way for public streets and highways shall
1051 not be construed to interrupt the contiguous nature of the parcel,
1052 nor shall the footage contained within the easements and
1053 rights-of-way be counted in the calculation of the distances
1054 specified in subparagraph (ii) * * *;

1055 (c) On a vessel as defined in Section 27-109-1 whenever
1056 such vessel is on the Mississippi River or navigable waters within
1057 any county bordering on the Mississippi River, and in which the
1058 registered voters of the county in which the port is located have
1059 not voted to prohibit such betting, gaming or wagering on vessels
1060 as provided in Section 19-3-79; or

1061 (d) That is legal under the laws of the State of
1062 Mississippi.

1063 **SECTION 21.** Section 97-33-8, Mississippi Code of 1972, is
1064 amended as follows:

1065 97-33-8. (1) The provisions of this section are intended to
1066 clarify that the operation of "Internet sweepstakes cafes" is an
1067 illegal gambling activity under state law.

1068 (2) It shall be unlawful for any person or entity to



1069 possess, own, control, display, operate or have a financial
1070 interest in an electronic video monitor that:

1071 (a) Is offered or made available to a person to play or
1072 participate in a simulated gambling program in return for direct
1073 or indirect consideration, including consideration associated with
1074 a product, service or activity other than the simulated gambling
1075 program; and

1076 (b) The person who plays or participates in the
1077 simulated gambling program may become eligible to win, redeem or
1078 otherwise obtain a cash or cash-equivalent prize, whether or not
1079 the eligibility for or value of the prize is determined by or has
1080 any relationship to the outcome or play of the program.

1081 (3) As used in this section, the following words and phrases
1082 shall have the meanings ascribed in this subsection, unless the
1083 context clearly indicates otherwise:

1084 (a) "Simulated gambling program" means any method
1085 intended to be used by a person playing, participating or
1086 interacting with an electronic video monitor that is offered by
1087 another person or entity; that directly or indirectly implements
1088 the predetermination of a cash or cash-equivalent prize, or
1089 otherwise connects the player with the cash or cash-equivalent
1090 prize; and that is not legal under the Mississippi Gaming Control
1091 Act.

1092 (b) "Consideration associated with a product, service
1093 or activity other than the simulated gambling program" means money



1094 or other value collected for a product, service or activity that
1095 is offered in any direct or indirect relationship to playing or
1096 participating in the simulated gambling program. The term
1097 includes consideration paid for Internet access or computer time,
1098 or a sweepstakes entry.

1099 (c) "Electronic video monitor" means any unit,
1100 mechanism, computer or other terminal, or device that is capable
1101 of displaying moving or still images.

1102 (4) Any person or entity violating the provisions of this
1103 section, upon conviction, shall be guilty of a misdemeanor and
1104 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned
1105 for not less than one (1) year, or both.

1106 (5) The provisions of this section shall not apply to:

1107 (a) Any lawful activity that is conducted for the
1108 primary purpose of entertaining children under the age of eighteen
1109 (18) years, during which money is paid for a token or chip that is
1110 used to play an electronic or other game, with the winner of the
1111 game earning tickets that can be exchanged for prizes;

1112 (b) Any lawful marketing promotion, contest, prize or
1113 sweepstakes that is designed to attract consumer attention to a
1114 specific product or service which is offered for sale by the
1115 manufacturer, distributor, vendor or retailer of the product or
1116 service; or

1117 (c) Any promotional activity as defined in Section
1118 75-76-5 that is conducted by a gaming licensee.



1119 **SECTION 22.** Section 97-33-25, Mississippi Code of 1972, is
1120 amended as follows:

1121 97-33-25. If any person shall sell or buy, either directly
1122 or indirectly, any chance in what is commonly called pool, upon
1123 any event whatever, or shall in any manner engage in such business
1124 or pastime, he shall be fined not more than Five Hundred Dollars
1125 (\$500.00) or shall be imprisoned in the county jail not more than
1126 ninety (90) days; provided, however, this section shall not apply
1127 to betting, gaming or wagering:

1128 (a) On a cruise vessel as defined in Section 27-109-1
1129 whenever such vessel is in the waters within the State of
1130 Mississippi, which lie adjacent to the State of Mississippi south
1131 of the three (3) most southern counties in the State of
1132 Mississippi, including the Mississippi Sound, St. Louis Bay,
1133 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1134 of the county in which the port is located have not voted to
1135 prohibit such betting, gaming or wagering on cruise vessels as
1136 provided in Section 19-3-79;

1137 (b) In a structure located in whole or in part on shore
1138 in any of the three (3) most southern counties in the State of
1139 Mississippi in which the registered voters of the county have
1140 voted to allow such betting, gaming or wagering on cruise vessels
1141 as provided in Section 19-3-79, if:

1142 (i) The structure is owned, leased or controlled
1143 by a person possessing a gaming license, as defined in Section



1144 75-76-5, to conduct legal gaming on a cruise vessel under
1145 paragraph (a) of this section;

1146 (ii) The part of the structure in which licensed
1147 gaming activities are conducted is located entirely in an area
1148 which is located no more than eight hundred (800) feet from the
1149 mean high-water line (as defined in Section 29-15-1) of the waters
1150 within the State of Mississippi, which lie adjacent to the State
1151 of Mississippi south of the three (3) most southern counties in
1152 the State of Mississippi, including the Mississippi Sound, St.
1153 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1154 Harrison County only, no farther north than the southern boundary
1155 of the right-of-way for U.S. Highway 90, whichever is greater; and

1156 (iii) In the case of a structure that is located
1157 in whole or part on shore, the part of the structure in which
1158 licensed gaming activities are conducted shall lie adjacent to
1159 state waters south of the three (3) most southern counties in the
1160 State of Mississippi, including the Mississippi Sound, St. Louis
1161 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1162 structure is located consists of a parcel of real property,
1163 easements and rights-of-way for public streets and highways shall
1164 not be construed to interrupt the contiguous nature of the parcel,
1165 nor shall the footage contained within the easements and
1166 rights-of-way be counted in the calculation of the distances
1167 specified in subparagraph (ii) * * *;



1168 (c) On a vessel as defined in Section 27-109-1 whenever
1169 such vessel is on the Mississippi River or navigable waters within
1170 any county bordering on the Mississippi River, and in which the
1171 registered voters of the county in which the port is located have
1172 not voted to prohibit such betting, gaming or wagering on vessels
1173 as provided in Section 19-3-79; or

1174 (d) That is legal under the laws of the State of
1175 Mississippi.

1176 **SECTION 23.** Section 97-33-1, Mississippi Code of 1972, is
1177 brought forward as follows:

1178 97-33-1. Except as otherwise provided in Section 97-33-8, if
1179 any person shall encourage, promote or play at any game, play or
1180 amusement, other than a fight or fighting match between dogs, for
1181 money or other valuable thing, or shall wager or bet, promote or
1182 encourage the wagering or betting of any money or other valuable
1183 things, upon any game, play, amusement, cockfight, Indian ball
1184 play or duel, other than a fight or fighting match between dogs,
1185 or upon the result of any election, event or contingency whatever,
1186 upon conviction thereof, he shall be fined in a sum not more than
1187 Five Hundred Dollars (\$500.00); and, unless such fine and costs be
1188 immediately paid, shall be imprisoned for any period not more than
1189 ninety (90) days. However, this section shall not apply to
1190 betting, gaming or wagering:

1191 (a) On a cruise vessel as defined in Section 27-109-1
1192 whenever such vessel is in the waters within the State of



1193 Mississippi, which lie adjacent to the State of Mississippi south
1194 of the three (3) most southern counties in the State of
1195 Mississippi, including the Mississippi Sound, St. Louis Bay,
1196 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1197 of the county in which the port is located have not voted to
1198 prohibit such betting, gaming or wagering on cruise vessels as
1199 provided in Section 19-3-79;

1200 (b) In a structure located, in whole or in part, on
1201 shore in any of the three (3) most southern counties in the State
1202 of Mississippi in which the registered voters of the county have
1203 voted to allow such betting, gaming or wagering on cruise vessels
1204 as provided in Section 19-3-79, if:

1205 (i) The structure is owned, leased or controlled
1206 by a person possessing a gaming license, as defined in Section
1207 75-76-5, to conduct legal gaming on a cruise vessel under
1208 paragraph (a) of this section;

1209 (ii) The part of the structure in which licensed
1210 gaming activities are conducted is located entirely in an area
1211 which is located no more than eight hundred (800) feet from the
1212 mean high-water line (as defined in Section 29-15-1) of the waters
1213 within the State of Mississippi, which lie adjacent to the State
1214 of Mississippi south of the three (3) most southern counties in
1215 the State of Mississippi, including the Mississippi Sound, St.
1216 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to



1217 Harrison County only, no farther north than the southern boundary
1218 of the right-of-way for U.S. Highway 90, whichever is greater; and

1219 (iii) In the case of a structure that is located
1220 in whole or part on shore, the part of the structure in which
1221 licensed gaming activities are conducted shall lie adjacent to
1222 state waters south of the three (3) most southern counties in the
1223 State of Mississippi, including the Mississippi Sound, St. Louis
1224 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1225 structure is located consists of a parcel of real property,
1226 easements and rights-of-way for public streets and highways shall
1227 not be construed to interrupt the contiguous nature of the parcel,
1228 nor shall the footage contained within the easements and
1229 rights-of-way be counted in the calculation of the distances
1230 specified in subparagraph (ii);

1231 (c) On a vessel as defined in Section 27-109-1 whenever
1232 such vessel is on the Mississippi River or navigable waters within
1233 any county bordering on the Mississippi River, and in which the
1234 registered voters of the county in which the port is located have
1235 not voted to prohibit such betting, gaming or wagering on vessels
1236 as provided in Section 19-3-79; or

1237 (d) That is legal under the laws of the State of
1238 Mississippi.

1239 **SECTION 24.** Section 97-33-7, Mississippi Code of 1972, is
1240 brought forward as follows:



1241 97-33-7. (1) Except as otherwise provided in Section
1242 97-33-8, it shall be unlawful for any person or persons, firm,
1243 copartnership or corporation to have in possession, own, control,
1244 display, or operate any cane rack, knife rack, artful dodger,
1245 punch board, roll down, merchandise wheel, slot machine, pinball
1246 machine, or similar device or devices. Provided, however, that
1247 this section shall not be so construed as to make unlawful the
1248 ownership, possession, control, display or operation of any
1249 antique coin machine as defined in Section 27-27-12, or any music
1250 machine or bona fide automatic vending machine where the purchaser
1251 receives exactly the same quantity of merchandise on each
1252 operation of said machine. Any slot machine other than an antique
1253 coin machine as defined in Section 27-27-12 which delivers, or is
1254 so constructed as that by operation thereof it will deliver to the
1255 operator thereof anything of value in varying quantities, in
1256 addition to the merchandise received, and any slot machine other
1257 than an antique coin machine as defined in Section 27-27-12 that
1258 is constructed in such manner as that slugs, tokens, coins or
1259 similar devices are, or may be, used and delivered to the operator
1260 thereof in addition to merchandise of any sort contained in such
1261 machine, is hereby declared to be a gambling device, and shall be
1262 deemed unlawful under the provisions of this section. Provided,
1263 however, that pinball machines which do not return to the operator
1264 or player thereof anything but free additional games or plays



1265 shall not be deemed to be gambling devices, and neither this
1266 section nor any other law shall be construed to prohibit same.

1267 (2) No property right shall exist in any person, natural or
1268 artificial, or be vested in such person, in any or all of the
1269 devices described herein that are not exempted from the provisions
1270 of this section; and all such devices are hereby declared to be at
1271 all times subject to confiscation and destruction, and their
1272 possession shall be unlawful, except when in the possession of
1273 officers carrying out the provisions of this section. It shall be
1274 the duty of all law enforcing officers to seize and immediately
1275 destroy all such machines and devices.

1276 (3) A first violation of the provisions of this section
1277 shall be deemed a misdemeanor, and the party offending shall, upon
1278 conviction, be fined in any sum not exceeding Five Hundred Dollars
1279 (\$500.00), or imprisoned not exceeding three (3) months, or both,
1280 in the discretion of the court. In the event of a second
1281 conviction for a violation of any of the provisions of this
1282 section, the party offending shall be subject to a sentence of not
1283 less than six (6) months in the county jail, nor more than two (2)
1284 years in the State Penitentiary, in the discretion of the trial
1285 court.

1286 (4) Notwithstanding any provision of this section to the
1287 contrary, it shall not be unlawful to operate any equipment or
1288 device described in subsection (1) of this section or any gaming,



1289 gambling or similar device or devices by whatever name called
1290 while:

1291 (a) On a cruise vessel as defined in Section 27-109-1
1292 whenever such vessel is in the waters within the State of
1293 Mississippi, which lie adjacent to the State of Mississippi south
1294 of the three (3) most southern counties in the State of
1295 Mississippi, including the Mississippi Sound, St. Louis Bay,
1296 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1297 of the county in which the port is located have not voted to
1298 prohibit such betting, gaming or wagering on cruise vessels as
1299 provided in Section 19-3-79;

1300 (b) In a structure located, in whole or in part, on
1301 shore in any of the three (3) most southern counties in the State
1302 of Mississippi in which the registered voters of the county have
1303 voted to allow such betting, gaming or wagering on cruise vessels
1304 as provided in Section 19-3-79, if:

1305 (i) The structure is owned, leased or controlled
1306 by a person possessing a gaming license, as defined in Section
1307 75-76-5, to conduct legal gaming on a cruise vessel under
1308 paragraph (a) of this subsection;

1309 (ii) The part of the structure in which licensed
1310 gaming activities are conducted is located entirely in an area
1311 which is located no more than eight hundred (800) feet from the
1312 mean high-water line (as defined in Section 29-15-1) of the waters
1313 within the State of Mississippi, which lie adjacent to the State



1314 of Mississippi south of the three (3) most southern counties in
1315 the State of Mississippi, including the Mississippi Sound, St.
1316 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1317 Harrison County only, no farther north than the southern boundary
1318 of the right-of-way for U.S. Highway 90, whichever is greater; and

1319 (iii) In the case of a structure that is located
1320 in whole or part on shore, the part of the structure in which
1321 licensed gaming activities are conducted shall lie adjacent to
1322 state waters south of the three (3) most southern counties in the
1323 State of Mississippi, including the Mississippi Sound, St. Louis
1324 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1325 structure is located consists of a parcel of real property,
1326 easements and rights-of-way for public streets and highways shall
1327 not be construed to interrupt the contiguous nature of the parcel,
1328 nor shall the footage contained within the easements and
1329 rights-of-way be counted in the calculation of the distances
1330 specified in subparagraph (ii);

1331 (c) On a vessel as defined in Section 27-109-1 whenever
1332 such vessel is on the Mississippi River or navigable waters within
1333 any county bordering on the Mississippi River, and in which the
1334 registered voters of the county in which the port is located have
1335 not voted to prohibit such betting, gaming or wagering on vessels
1336 as provided in Section 19-3-79; or

1337 (d) That is legal under the laws of the State of
1338 Mississippi.



1339 (5) Notwithstanding any provision of this section to the
1340 contrary, it shall not be unlawful (a) to own, possess, repair or
1341 control any gambling device, machine or equipment in a licensed
1342 gaming establishment or on the business premises appurtenant to
1343 any such licensed gaming establishment during any period of time
1344 in which such licensed gaming establishment is being constructed,
1345 repaired, maintained or operated in this state; (b) to install any
1346 gambling device, machine or equipment in any licensed gaming
1347 establishment; (c) to possess or control any gambling device,
1348 machine or equipment during the process of procuring or
1349 transporting such device, machine or equipment for installation on
1350 any such licensed gaming establishment; or (d) to store in a
1351 warehouse or other storage facility any gambling device, machine,
1352 equipment, or part thereof, regardless of whether the county or
1353 municipality in which the warehouse or storage facility is located
1354 has approved gaming aboard cruise vessels or vessels, provided
1355 that such device, machine or equipment is operated only in a
1356 county or municipality that has approved gaming aboard cruise
1357 vessels or vessels. Any gambling device, machine or equipment
1358 that is owned, possessed, controlled, installed, procured,
1359 repaired, transported or stored in accordance with this subsection
1360 shall not be subject to confiscation, seizure or destruction, and
1361 any person, firm, partnership or corporation which owns,
1362 possesses, controls, installs, procures, repairs, transports or
1363 stores any gambling device, machine or equipment in accordance



1364 with this subsection shall not be subject to any prosecution or
1365 penalty under this section. Any person constructing or repairing
1366 such cruise vessels or vessels within a municipality shall comply
1367 with all municipal ordinances protecting the general health or
1368 safety of the residents of the municipality.

1369 **SECTION 25.** This act shall take effect and be in force from
1370 and after July 1, 2024.

