

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 774**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

7           **SECTION 1.** Section 97-33-17, Mississippi Code of 1972, is  
8 brought forward as follows:

9           97-33-17. (1) All monies exhibited for the purpose of  
10 betting or alluring persons to bet at any game, and all monies  
11 staked or betted, shall be liable to seizure by any sheriff,  
12 constable, or police officer, together with all the appliances  
13 used or kept for use in gambling, or by any other person; and all  
14 the monies so seized shall be accounted for by the person making  
15 the seizure, and all appliances seized shall be destroyed;



16 provided, however, this section shall not apply to betting, gaming  
17 or wagering on:

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

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

32 (i) The structure is owned, leased or controlled  
33 by a person possessing a gaming license, as defined in Section  
34 75-76-5, to conduct legal gaming on a cruise vessel under  
35 paragraph (a) of this subsection;

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



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

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

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

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



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

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

72 75-76-5. As used in this chapter, unless the context  
73 requires otherwise:

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

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

85 (c) "Associated equipment" means any equipment or  
86 mechanical, electromechanical or electronic contrivance, component  
87 or machine used remotely or directly in connection with gaming or  
88 with any game, race book or sports pool that would not otherwise  
89 be classified as a gaming device, including dice, playing cards,  
90 links which connect to progressive slot machines, equipment which



91 affects the proper reporting of gross revenue, computerized  
92 systems of betting at a race book or sports pool, computerized  
93 systems for monitoring slot machines, and devices for weighing or  
94 counting money.

95 (d) "Chairman" means the Chairman of the Mississippi  
96 Gaming Commission except when used in the term "Chairman of the  
97 State Tax Commission." "Chairman of the State Tax Commission" or  
98 "commissioner" means the Commissioner of Revenue of the Department  
99 of Revenue.

100 (e) "Commission" or "Mississippi Gaming Commission"  
101 means the Mississippi Gaming Commission.

102 (f) "Commission member" means a member of the  
103 Mississippi Gaming Commission.

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

108 (h) "Enforcement division" means a particular division  
109 supervised by the executive director that provides enforcement  
110 functions.

111 (i) "Establishment" means any premises wherein or  
112 whereon any gaming is done.

113 (j) "Executive director" means the Executive Director  
114 of the Mississippi Gaming Commission.



115           (k) Except as otherwise provided by law, "game," or  
116 "gambling game" means any banking or percentage game played with  
117 cards, with dice or with any mechanical, electromechanical or  
118 electronic device or machine for money, property, checks, credit  
119 or any representative of value, including, without limiting, the  
120 generality of the foregoing, faro, monte, roulette, keno, fan tan,  
121 twenty one, blackjack, seven and a half, big injun, klondike,  
122 craps, poker, chuck a luck (dai shu), wheel of fortune, chemin de  
123 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,  
124 or any other game or device approved by the commission. However,  
125 "game" or "gambling game" shall not include bingo games or raffles  
126 which are held pursuant to the provisions of Section 97-33-51, or  
127 the illegal gambling activities described in Section 97-33-8.

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

131           (1) "Gaming" or "gambling" means to deal, operate,  
132 carry on, conduct, maintain or expose for play any game as defined  
133 in this chapter.

134           (m) "Gaming device" means any mechanical,  
135 electromechanical or electronic contrivance, component or machine  
136 used in connection with gaming or any game which affects the  
137 result of a wager by determining win or loss. The term includes a  
138 system for processing information which can alter the normal  
139 criteria of random selection, which affects the operation of any



140 game, or which determines the outcome of a game. The term does  
141 not include a system or device which affects a game solely by  
142 stopping its operation so that the outcome remains undetermined,  
143 and does not include any antique coin machine as defined in  
144 Section 27-27-12.

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

- 148 (i) Boxmen;
- 149 (ii) Cashiers;
- 150 (iii) Change personnel;
- 151 (iv) Counting room personnel;
- 152 (v) Dealers;
- 153 (vi) Floormen;
- 154 (vii) Hosts or other persons empowered to extend  
155 credit or complimentary services;
- 156 (viii) Keno runners;
- 157 (ix) Keno writers;
- 158 (x) Machine mechanics;
- 159 (xi) Security personnel;
- 160 (xii) Shift or pit bosses;
- 161 (xiii) Shills;
- 162 (xiv) Supervisors or managers; and
- 163 (xv) Ticket writers.



164           The term "gaming employee" also includes employees of  
165 manufacturers or distributors of gaming equipment within this  
166 state whose duties are directly involved with the manufacture,  
167 repair or distribution of gaming equipment.

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

171           (o) "Gaming license" means any license issued by the  
172 state which authorizes the person named therein to engage in  
173 gaming.

174           (p) "Gross revenue" means the total of all of the  
175 following, less the total of all cash paid out as losses to  
176 patrons and those amounts paid to purchase annuities to fund  
177 losses paid to patrons over several years by independent financial  
178 institutions:

179                   (i) Cash received as winnings;

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

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

184           For the purposes of this definition, cash or the value of  
185 noncash prizes awarded to patrons in a contest or tournament are  
186 not losses.

187           The term does not include:

188                   (i) Counterfeit money or tokens;





189                   (ii) Coins of other countries which are received  
190 in gaming devices;

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

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

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

198                   (r) "Investigation division" means a particular  
199 division supervised by the executive director that provides  
200 investigative functions.

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

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

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

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

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



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

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

216 (z) "Party" means the Mississippi Gaming Commission and  
217 any licensee or other person appearing of record in any proceeding  
218 before the commission; or the Mississippi Gaming Commission and  
219 any licensee or other person appearing of record in any proceeding  
220 for judicial review of any action, decision or order of the  
221 commission.

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

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

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

231 (dd) "Regulation" means a rule, standard, directive or  
232 statement of general applicability which effectuates law or policy  
233 or which describes the procedure or requirements for practicing  
234 before the commission. The term includes a proposed regulation  
235 and the amendment or repeal of a prior regulation but does not  
236 include:



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

240 (ii) A declaratory ruling;

241 (iii) An interagency memorandum;

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

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

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

248 (ff) "Slot machine" means any mechanical, electrical or  
249 other device, contrivance or machine which, upon insertion of a  
250 coin, token or similar object, or upon payment of any  
251 consideration, is available to play or operate, the play or  
252 operation of which, whether by reason of the skill of the operator  
253 or application of the element of chance, or both, may deliver or  
254 entitle the person playing or operating the machine to receive  
255 cash, premiums, merchandise, tokens or anything of value, whether  
256 the payoff is made automatically from the machine or in any other  
257 manner. The term does not include any antique coin machine as  
258 defined in Section 27-27-12.

259 (gg) "Sports pool" means the business of accepting  
260 wagers on collegiate or professional sporting events or athletic



261 events, by any system or method of wagering other than the system  
262 known as the "pari-mutuel method of wagering."

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

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

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

270 (kk) "Work permit" means any card, certificate or  
271 permit issued by the commission, whether denominated as a work  
272 permit, registration card or otherwise, authorizing the employment  
273 of the holder as a gaming employee. A document issued by any  
274 governmental authority for any employment other than gaming is not  
275 a valid work permit for the purposes of this chapter.

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

279 (mm) "Cheat" means to alter the selection of criteria  
280 that determine:

281 (i) The rules of a game; or

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

283 (nn) "Promotional activity" means an activity or event  
284 conducted or held for the purpose of promoting or marketing the  
285 individual licensed gaming establishment that is engaging in the



286 promotional activity. The term includes, but is not limited to, a  
287 game of any kind other than as defined in paragraph (k) of this  
288 section, a tournament, a contest, a drawing, or a promotion of any  
289 kind.

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

292 75-76-33. (1) The commission shall, from time to time,  
293 adopt, amend or repeal such regulations, consistent with the  
294 policy, objects and purposes of this chapter, as it may deem  
295 necessary or desirable in the public interest in carrying out the  
296 policy and provisions of this chapter. The commission shall  
297 comply with the Mississippi Administrative Procedures Law when  
298 adopting, amending or repealing any regulations authorized under  
299 this section or under any other provision of this chapter.

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

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

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



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

313 (d) Requiring fingerprinting of an applicant or  
314 licensee, and gaming employees of a licensee, or other methods of  
315 identification and the forwarding of all fingerprints taken  
316 pursuant to regulation of the Federal Bureau of Investigation.

317 (e) Prescribing the manner and procedure of all  
318 hearings conducted by the commission or any hearing examiner of  
319 the commission, including special rules of evidence applicable  
320 thereto and notices thereof.

321 (f) Requiring any applicant to pay all or any part of  
322 the fees and costs of investigation of such applicant as may be  
323 determined by the commission under paragraph (g) of this  
324 subsection (2).

325 (g) Prescribing the amounts of investigative fees only  
326 as authorized by regulations of the commission under paragraph (f)  
327 of this subsection, and collecting those fees. The commission  
328 shall adopt regulations setting the amounts of those fees at  
329 levels that will provide the commission with sufficient revenue,  
330 when combined with any other monies as may be deposited into the  
331 Mississippi Gaming Commission Fund created in Section 75-76-325,  
332 to carry out the provisions of this chapter without any state  
333 general funds. In calculating the amount of such fees, the  
334 commission shall:



335 (i) Attempt to set the fees at levels that will  
336 create a balance in the Mississippi Gaming Commission Fund that  
337 does not exceed, at the end of any state fiscal year, two percent  
338 (2%) of the projected amount of funds that will provide the  
339 commission with such sufficient revenue; and

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

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

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

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

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

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

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



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

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

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

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

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

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

381           (5) From and after July 1, 2016, no state agency shall  
382 charge another state agency a fee, assessment, rent or other





383 charge for services or resources received by authority of this  
384 section.

385 **SECTION 4.** Section 75-76-89, Mississippi Code of 1972, is  
386 brought forward as follows:

387 75-76-89. (1) Except as otherwise provided in subsection  
388 (3) of this section, all licenses issued to the same person,  
389 including a wholly owned subsidiary of that person, for the  
390 operation of any game, including a sports pool or race book, which  
391 authorize gaming at the same establishment must be merged into a  
392 single gaming license. A gaming license may not be issued to any  
393 person if the issuance would result in more than one (1) licensed  
394 operation at a single establishment, whether or not the profits or  
395 revenue from gaming are shared between the licensed operations.

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

400 **SECTION 5.** Section 75-76-91, Mississippi Code of 1972, is  
401 brought forward as follows:

402 75-76-91. (1) All licenses issued under the provisions of  
403 this chapter must be posted by the licensee and kept posted at all  
404 times in a conspicuous place in the establishment for which issued  
405 until replaced by a succeeding license.

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



408           **SECTION 6.** Section 75-76-203, Mississippi Code of 1972, is  
409 brought forward as follows:

410           75-76-203. In order to be eligible to receive a state gaming  
411 license, a corporation shall:

412                   (a) Be incorporated:

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

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

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

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

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

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

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



432           **SECTION 7.** Section 75-76-205, Mississippi Code of 1972, is  
433 brought forward as follows:

434           75-76-205. No domestic corporation is eligible to receive a  
435 gaming license unless it is in good standing in this state. No  
436 foreign corporation is eligible to receive a gaming license unless  
437 it qualifies to do business in this state.

438           **SECTION 8.** Section 75-76-211, Mississippi Code of 1972, is  
439 brought forward as follows:

440           75-76-211. All officers and directors of the corporation  
441 which holds or applies for a state gaming license must be licensed  
442 individually, according to the provisions of this chapter; and if,  
443 in the judgment of the commission, the public interest will be  
444 served by requiring any or all of the corporation's individual  
445 stockholders, lenders, holders of evidences of indebtedness,  
446 underwriters, key executives, agents or employees to be licensed,  
447 the corporation shall require such persons to apply for a license  
448 in accordance with the laws and requirements in effect at the time  
449 the commission requires such licensing. A person who is required  
450 to be licensed by this section shall apply for a license within  
451 thirty (30) days after he becomes an officer or director. A  
452 person who is required to be licensed pursuant to a decision of  
453 the commission shall apply for a license within thirty (30) days  
454 after the executive director requests him to do so.

455           **SECTION 9.** Section 75-76-55, Mississippi Code of 1972, is  
456 brought forward as follows:



457           75-76-55. (1) Except as otherwise provided in Section  
458 75-76-34, it is unlawful for any person, either as owner, lessee  
459 or employee, whether for hire or not, either solely or in  
460 conjunction with others, without having first procured and  
461 thereafter maintaining in effect a state gaming license:

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

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

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

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



481           **SECTION 10.** Section 75-76-79, Mississippi Code of 1972, is  
482 brought forward as follows:

483           75-76-79. (1) (a) Except as otherwise provided in  
484 paragraphs (b) and (c) of this subsection, it is unlawful for any  
485 person, either as owner, lessee or employee, whether for hire or  
486 not, to operate, carry on, conduct or maintain any form of  
487 manufacture, selling or distribution of any gaming device for use  
488 or play in Mississippi or for distribution outside of Mississippi  
489 without first procuring and maintaining all required federal and  
490 state licenses.

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

493           (c) The holder of a state gaming license or the holding  
494 company of a corporate licensee may, within two (2) years after  
495 cessation of business or upon specific approval by the executive  
496 director, dispose of by sale in a manner approved by the executive  
497 director, any or all of its gaming devices, including slot  
498 machines, without a distributor's license. In cases of bankruptcy  
499 of a state gaming licensee or foreclosure of a lien by a bank or  
500 other person holding a security interest for which gaming devices  
501 are security, in whole or in part, for the lien, the executive  
502 director may authorize the disposition of the gaming devices  
503 without requiring a distributor's license.

504           (d) Any person whom the commission determines is a  
505 suitable person to receive a license under the provisions of this



506 section may be issued a manufacturer's or distributor's license.  
507 The burden of proving his qualification to receive or hold a  
508 license under this section is at all times on the applicant or  
509 licensee.

510 (e) Every person who must be licensed pursuant to this  
511 section is subject to the provisions of Sections 75-76-199 through  
512 75-76-265, unless exempted from those provisions by the  
513 commission.

514 (f) The commission may exempt, for any purpose, a  
515 manufacturer, seller or distributor from the provisions of  
516 Sections 75-76-199 through 75-76-265, if the commission determines  
517 that the exemption is consistent with the purposes of this  
518 chapter.

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

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

523 (a) No new gaming device or associated equipment  
524 manufactured by the manufacturer or distributed by the distributor  
525 may be approved;

526 (b) Any previously approved device or associated  
527 equipment manufactured by the manufacturer or distributed by the  
528 distributor is subject to revocation of approval if the reasons  
529 for the denial of the license also apply to that device or  
530 associated equipment;



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

534 (d) Any association or agreement between the  
535 manufacturer or distributor and a licensee must be terminated,  
536 unless otherwise provided by the commission. An agreement between  
537 such a manufacturer or distributor of gaming devices or associated  
538 equipment and a licensee shall be deemed to include a provision  
539 for its termination without liability on the part of the licensee  
540 upon a finding by the commission that the manufacturer is  
541 unsuitable to be associated with a gaming enterprise. Failure to  
542 include that condition in the agreement is not a defense in any  
543 action brought pursuant to this section to terminate the  
544 agreement.

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

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

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



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

557 This fee is to be paid by the applicant to the \* \* \*  
558 Department of Revenue on or before the filing of the application  
559 for a manufacturer's, seller's or distributor's license by the  
560 applicant. Upon such payment the \* \* \* Commissioner of Revenue  
561 shall certify to the executive director that such fee has been  
562 paid by the applicant.

563 Except for those amounts that a person issued a  
564 manufacturer's license under this section may charge for goods  
565 supplied or services rendered, the person holding the  
566 manufacturer's license may not be directly reimbursed by a holder  
567 of a gaming license for the cost of any fee paid by the person for  
568 the issuance or continuation of such a license, whether imposed  
569 under this section or any other provision of this chapter.

570 (5) A manufacturer or distributor of associated equipment  
571 who sells, transfers or offers the associated equipment for use or  
572 play in Mississippi may be required by the executive director to  
573 file an application for a finding of suitability to be a  
574 manufacturer or distributor of associated equipment.

575 Any person who directly or indirectly involves himself in the  
576 sale, transfer or offering for use or play in Mississippi of  
577 associated equipment who is not otherwise required to be licensed  
578 as a manufacturer or distributor may be required by the executive





579 director to file an application for a finding of suitability to be  
580 a manufacturer or distributor of associated equipment.

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

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

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

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

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

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

596 In addition to all other fees and charges imposed by this  
597 chapter, the executive director may determine an inspection fee  
598 with regard to each manufacturer, seller or distributor which must  
599 not exceed the actual cost of inspection and investigation. Upon  
600 such determination, the executive director shall certify to  
601 the \* \* \* Commissioner of Revenue the amount of the inspection fee  
602 and the name and address of the applicant. Upon such



603 certification the \* \* \* Department of Revenue shall proceed to  
604 assess and collect such inspection fee from the applicant.

605 **SECTION 11.** Section 75-76-101, Mississippi Code of 1972, is  
606 brought forward as follows:

607 75-76-101. (1) All gaming must be conducted with chips,  
608 tokens or other instrumentalities approved by the executive  
609 director or with the legal tender of the United States.

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

616 **SECTION 12.** Section 75-76-175, Mississippi Code of 1972, is  
617 brought forward as follows:

618 75-76-175. (1) A credit instrument accepted on or after  
619 June 29, 1991, is valid and may be enforced by legal process.

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

622 (a) Is signed by a patron; and

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

624 and may complete the instrument as is necessary for the  
625 instrument to be presented for payment.

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



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

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

633 (c) May accept a credit instrument that is payable to  
634 an affiliated company or may complete a credit instrument in the  
635 name of an affiliated company as payee if the credit instrument  
636 otherwise complies with this subsection and the records of the  
637 affiliated company pertaining to the credit instrument are made  
638 available to the executive director upon request.

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

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

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

648 **SECTION 13.** Section 75-76-177, Mississippi Code of 1972, is  
649 brought forward as follows:



650           75-76-177. (1) From and after August 1, 1990, there is  
651 hereby imposed and levied on each gaming licensee a license fee  
652 based upon all the gross revenue of the licensee as follows:

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

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

660           (c) Eight percent (8%) of all the gross revenue of the  
661 licensee which exceeds One Hundred Thirty four Thousand Dollars  
662 (\$134,000.00) per calendar month.

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

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



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

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

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

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

686 **SECTION 14.** Section 97-33-305, Mississippi Code of 1972, is  
687 brought forward as follows:

688 97-33-305. (1) Fantasy contests are legal in this state. A  
689 fantasy contest operator must comply with the provisions of this  
690 section if the operator's total player roster for all fantasy  
691 contests consists of one hundred (100) or more members of the  
692 general public.

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

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



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

702 (c) Prevent the operator from participating in a  
703 fantasy contest offered by the operator;

704 (d) Verify that a fantasy contest player is eighteen  
705 (18) years of age or older except as required in Section  
706 97-33-307(5);

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

757                   (k) Segregate fantasy contest player funds from  
758 operational funds or maintain a reserve in the form of cash, cash  
759 equivalents, payment processor reserves and receivables, an  
760 irrevocable letter of credit, a bond, or a combination thereof, in  
761 the amount of the total account balances of the fantasy contest  
762 players for the benefit and protection of the funds held in the  
763 accounts.

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

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





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

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

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

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

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

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

790 **SECTION 15.** Section 97-33-27, Mississippi Code of 1972, is  
791 brought forward as follows:

792 97-33-27. If any person shall bet on a horse race or a yacht  
793 race or on a shooting match, he shall be fined not more than Five  
794 Hundred Dollars (\$500.00), and, unless the fine and costs be



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

798           (a) On a cruise vessel as defined in Section 27-109-1  
799 whenever such vessel is in the waters within the State of  
800 Mississippi, which lie adjacent to the State of Mississippi south  
801 of the three (3) most southern counties in the State of  
802 Mississippi, including the Mississippi Sound, St. Louis Bay,  
803 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
804 of the county in which the port is located have not voted to  
805 prohibit such betting, gaming or wagering on cruise vessels as  
806 provided in Section 19-3-79;

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

812                   (i) The structure is owned, leased or controlled  
813 by a person possessing a gaming license, as defined in Section  
814 75-76-5, to conduct legal gaming on a cruise vessel under  
815 paragraph (a) of this section;

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



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

826 (iii) In the case of a structure that is located  
827 in whole or part on shore, the part of the structure in which  
828 licensed gaming activities are conducted shall lie adjacent to  
829 state waters south of the three (3) most southern counties in the  
830 State of Mississippi, including the Mississippi Sound, St. Louis  
831 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
832 structure is located consists of a parcel of real property,  
833 easements and rights-of-way for public streets and highways shall  
834 not be construed to interrupt the contiguous nature of the parcel,  
835 nor shall the footage contained within the easements and  
836 rights-of-way be counted in the calculation of the distances  
837 specified in subparagraph (ii) \* \* \*;

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



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

846 **SECTION 16.** Section 97-33-8, Mississippi Code of 1972, is  
847 brought forward as follows:

848 97-33-8. (1) The provisions of this section are intended to  
849 clarify that the operation of "Internet sweepstakes cafes" is an  
850 illegal gambling activity under state law.

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

854 (a) Is offered or made available to a person to play or  
855 participate in a simulated gambling program in return for direct  
856 or indirect consideration, including consideration associated with  
857 a product, service or activity other than the simulated gambling  
858 program; and

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

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

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



869 interacting with an electronic video monitor that is offered by  
870 another person or entity; that directly or indirectly implements  
871 the predetermination of a cash or cash-equivalent prize, or  
872 otherwise connects the player with the cash or cash-equivalent  
873 prize; and that is not legal under the Mississippi Gaming Control  
874 Act.

875 (b) "Consideration associated with a product, service  
876 or activity other than the simulated gambling program" means money  
877 or other value collected for a product, service or activity that  
878 is offered in any direct or indirect relationship to playing or  
879 participating in the simulated gambling program. The term  
880 includes consideration paid for Internet access or computer time,  
881 or a sweepstakes entry.

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

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

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

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



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

895 (b) Any lawful marketing promotion, contest, prize or  
896 sweepstakes that is designed to attract consumer attention to a  
897 specific product or service which is offered for sale by the  
898 manufacturer, distributor, vendor or retailer of the product or  
899 service; or

900 (c) Any promotional activity as defined in Section  
901 75-76-5 that is conducted by a gaming licensee.

902 **SECTION 17.** Section 97-33-25, Mississippi Code of 1972, is  
903 brought forward as follows:

904 97-33-25. If any person shall sell or buy, either directly  
905 or indirectly, any chance in what is commonly called pool, upon  
906 any event whatever, or shall in any manner engage in such business  
907 or pastime, he shall be fined not more than Five Hundred Dollars  
908 (\$500.00) or shall be imprisoned in the county jail not more than  
909 ninety (90) days; provided, however, this section shall not apply  
910 to betting, gaming or wagering:

911 (a) On a cruise vessel as defined in Section 27-109-1  
912 whenever such vessel is in the waters within the State of  
913 Mississippi, which lie adjacent to the State of Mississippi south  
914 of the three (3) most southern counties in the State of  
915 Mississippi, including the Mississippi Sound, St. Louis Bay,  
916 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
917 of the county in which the port is located have not voted to



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

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

925 (i) The structure is owned, leased or controlled  
926 by a person possessing a gaming license, as defined in Section  
927 75-76-5, to conduct legal gaming on a cruise vessel under  
928 paragraph (a) of this section;

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

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



943 State of Mississippi, including the Mississippi Sound, St. Louis  
944 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
945 structure is located consists of a parcel of real property,  
946 easements and rights-of-way for public streets and highways shall  
947 not be construed to interrupt the contiguous nature of the parcel,  
948 nor shall the footage contained within the easements and  
949 rights-of-way be counted in the calculation of the distances  
950 specified in subparagraph (ii) \* \* \*;

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

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

959 **SECTION 18.** Section 97-33-1, Mississippi Code of 1972, is  
960 brought forward as follows:

961 97-33-1. Except as otherwise provided in Section 97-33-8, if  
962 any person shall encourage, promote or play at any game, play or  
963 amusement, other than a fight or fighting match between dogs, for  
964 money or other valuable thing, or shall wager or bet, promote or  
965 encourage the wagering or betting of any money or other valuable  
966 things, upon any game, play, amusement, cockfight, Indian ball  
967 play or duel, other than a fight or fighting match between dogs,





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

974           (a) On a cruise vessel as defined in Section 27-109-1  
975 whenever such vessel is in the waters within the State of  
976 Mississippi, which lie adjacent to the State of Mississippi south  
977 of the three (3) most southern counties in the State of  
978 Mississippi, including the Mississippi Sound, St. Louis Bay,  
979 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
980 of the county in which the port is located have not voted to  
981 prohibit such betting, gaming or wagering on cruise vessels as  
982 provided in Section 19-3-79;

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

988           (i) The structure is owned, leased or controlled  
989 by a person possessing a gaming license, as defined in Section  
990 75-76-5, to conduct legal gaming on a cruise vessel under  
991 paragraph (a) of this section;



992                   (ii) The part of the structure in which licensed  
993 gaming activities are conducted is located entirely in an area  
994 which is located no more than eight hundred (800) feet from the  
995 mean high-water line (as defined in Section 29-15-1) of the waters  
996 within the State of Mississippi, which lie adjacent to the State  
997 of Mississippi south of the three (3) most southern counties in  
998 the State of Mississippi, including the Mississippi Sound, St.  
999 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
1000 Harrison County only, no farther north than the southern boundary  
1001 of the right-of-way for U.S. Highway 90, whichever is greater; and

1002                   (iii) In the case of a structure that is located  
1003 in whole or part on shore, the part of the structure in which  
1004 licensed gaming activities are conducted shall lie adjacent to  
1005 state waters south of the three (3) most southern counties in the  
1006 State of Mississippi, including the Mississippi Sound, St. Louis  
1007 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
1008 structure is located consists of a parcel of real property,  
1009 easements and rights-of-way for public streets and highways shall  
1010 not be construed to interrupt the contiguous nature of the parcel,  
1011 nor shall the footage contained within the easements and  
1012 rights-of-way be counted in the calculation of the distances  
1013 specified in subparagraph (ii);

1014                   (c) On a vessel as defined in Section 27-109-1 whenever  
1015 such vessel is on the Mississippi River or navigable waters within  
1016 any county bordering on the Mississippi River, and in which the



1017 registered voters of the county in which the port is located have  
1018 not voted to prohibit such betting, gaming or wagering on vessels  
1019 as provided in Section 19-3-79; or

1020 (d) That is legal under the laws of the State of  
1021 Mississippi.

1022 **SECTION 19.** Section 97-33-7, Mississippi Code of 1972, is  
1023 brought forward as follows:

1024 97-33-7. (1) Except as otherwise provided in Section  
1025 97-33-8, it shall be unlawful for any person or persons, firm,  
1026 copartnership or corporation to have in possession, own, control,  
1027 display, or operate any cane rack, knife rack, artful dodger,  
1028 punch board, roll down, merchandise wheel, slot machine, pinball  
1029 machine, or similar device or devices. Provided, however, that  
1030 this section shall not be so construed as to make unlawful the  
1031 ownership, possession, control, display or operation of any  
1032 antique coin machine as defined in Section 27-27-12, or any music  
1033 machine or bona fide automatic vending machine where the purchaser  
1034 receives exactly the same quantity of merchandise on each  
1035 operation of said machine. Any slot machine other than an antique  
1036 coin machine as defined in Section 27-27-12 which delivers, or is  
1037 so constructed as that by operation thereof it will deliver to the  
1038 operator thereof anything of value in varying quantities, in  
1039 addition to the merchandise received, and any slot machine other  
1040 than an antique coin machine as defined in Section 27-27-12 that  
1041 is constructed in such manner as that slugs, tokens, coins or



1042 similar devices are, or may be, used and delivered to the operator  
1043 thereof in addition to merchandise of any sort contained in such  
1044 machine, is hereby declared to be a gambling device, and shall be  
1045 deemed unlawful under the provisions of this section. Provided,  
1046 however, that pinball machines which do not return to the operator  
1047 or player thereof anything but free additional games or plays  
1048 shall not be deemed to be gambling devices, and neither this  
1049 section nor any other law shall be construed to prohibit same.

1050 (2) No property right shall exist in any person, natural or  
1051 artificial, or be vested in such person, in any or all of the  
1052 devices described herein that are not exempted from the provisions  
1053 of this section; and all such devices are hereby declared to be at  
1054 all times subject to confiscation and destruction, and their  
1055 possession shall be unlawful, except when in the possession of  
1056 officers carrying out the provisions of this section. It shall be  
1057 the duty of all law enforcing officers to seize and immediately  
1058 destroy all such machines and devices.

1059 (3) A first violation of the provisions of this section  
1060 shall be deemed a misdemeanor, and the party offending shall, upon  
1061 conviction, be fined in any sum not exceeding Five Hundred Dollars  
1062 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
1063 in the discretion of the court. In the event of a second  
1064 conviction for a violation of any of the provisions of this  
1065 section, the party offending shall be subject to a sentence of not  
1066 less than six (6) months in the county jail, nor more than two (2)



1067 years in the State Penitentiary, in the discretion of the trial  
1068 court.

1069 (4) Notwithstanding any provision of this section to the  
1070 contrary, it shall not be unlawful to operate any equipment or  
1071 device described in subsection (1) of this section or any gaming,  
1072 gambling or similar device or devices by whatever name called  
1073 while:

1074 (a) On a cruise vessel as defined in Section 27-109-1  
1075 whenever such vessel is in the waters within the State of  
1076 Mississippi, which lie adjacent to the State of Mississippi south  
1077 of the three (3) most southern counties in the State of  
1078 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1079 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1080 of the county in which the port is located have not voted to  
1081 prohibit such betting, gaming or wagering on cruise vessels as  
1082 provided in Section 19-3-79;

1083 (b) In a structure located, in whole or in part, on  
1084 shore in any of the three (3) most southern counties in the State  
1085 of Mississippi in which the registered voters of the county have  
1086 voted to allow such betting, gaming or wagering on cruise vessels  
1087 as provided in Section 19-3-79, if:

1088 (i) The structure is owned, leased or controlled  
1089 by a person possessing a gaming license, as defined in Section  
1090 75-76-5, to conduct legal gaming on a cruise vessel under  
1091 paragraph (a) of this subsection;



1092                   (ii) The part of the structure in which licensed  
1093 gaming activities are conducted is located entirely in an area  
1094 which is located no more than eight hundred (800) feet from the  
1095 mean high-water line (as defined in Section 29-15-1) of the waters  
1096 within the State of Mississippi, which lie adjacent to the State  
1097 of Mississippi south of the three (3) most southern counties in  
1098 the State of Mississippi, including the Mississippi Sound, St.  
1099 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
1100 Harrison County only, no farther north than the southern boundary  
1101 of the right-of-way for U.S. Highway 90, whichever is greater; and

1102                   (iii) In the case of a structure that is located  
1103 in whole or part on shore, the part of the structure in which  
1104 licensed gaming activities are conducted shall lie adjacent to  
1105 state waters south of the three (3) most southern counties in the  
1106 State of Mississippi, including the Mississippi Sound, St. Louis  
1107 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
1108 structure is located consists of a parcel of real property,  
1109 easements and rights-of-way for public streets and highways shall  
1110 not be construed to interrupt the contiguous nature of the parcel,  
1111 nor shall the footage contained within the easements and  
1112 rights-of-way be counted in the calculation of the distances  
1113 specified in subparagraph (ii);

1114                   (c) On a vessel as defined in Section 27-109-1 whenever  
1115 such vessel is on the Mississippi River or navigable waters within  
1116 any county bordering on the Mississippi River, and in which the



1117 registered voters of the county in which the port is located have  
1118 not voted to prohibit such betting, gaming or wagering on vessels  
1119 as provided in Section 19-3-79; or

1120 (d) That is legal under the laws of the State of  
1121 Mississippi.

1122 (5) Notwithstanding any provision of this section to the  
1123 contrary, it shall not be unlawful (a) to own, possess, repair or  
1124 control any gambling device, machine or equipment in a licensed  
1125 gaming establishment or on the business premises appurtenant to  
1126 any such licensed gaming establishment during any period of time  
1127 in which such licensed gaming establishment is being constructed,  
1128 repaired, maintained or operated in this state; (b) to install any  
1129 gambling device, machine or equipment in any licensed gaming  
1130 establishment; (c) to possess or control any gambling device,  
1131 machine or equipment during the process of procuring or  
1132 transporting such device, machine or equipment for installation on  
1133 any such licensed gaming establishment; or (d) to store in a  
1134 warehouse or other storage facility any gambling device, machine,  
1135 equipment, or part thereof, regardless of whether the county or  
1136 municipality in which the warehouse or storage facility is located  
1137 has approved gaming aboard cruise vessels or vessels, provided  
1138 that such device, machine or equipment is operated only in a  
1139 county or municipality that has approved gaming aboard cruise  
1140 vessels or vessels. Any gambling device, machine or equipment  
1141 that is owned, possessed, controlled, installed, procured,



1142 repaired, transported or stored in accordance with this subsection  
1143 shall not be subject to confiscation, seizure or destruction, and  
1144 any person, firm, partnership or corporation which owns,  
1145 possesses, controls, installs, procures, repairs, transports or  
1146 stores any gambling device, machine or equipment in accordance  
1147 with this subsection shall not be subject to any prosecution or  
1148 penalty under this section. Any person constructing or repairing  
1149 such cruise vessels or vessels within a municipality shall comply  
1150 with all municipal ordinances protecting the general health or  
1151 safety of the residents of the municipality.

1152         **SECTION 20.** This act shall take effect and be in force from  
1153 and after July 1, 2024.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO BRING FORWARD SECTIONS 97-33-17, 75-76-5, 75-76-33,  
2 75-76-89, 75-76-91, 75-76-203, 75-76-211, 75-76-55, 75-76-205,  
3 75-76-175, 75-76-177, 75-76-101, 97-33-27, 97-33-305, 97-33-8,  
4 97-33-25, 75-76-79, 97-33-1 AND 97-33-7, RELATING TO GAMING  
5 ESTABLISHMENTS; AND FOR RELATED PURPOSES.

