

By: False

To: Universities and  
Colleges; Judiciary A

HOUSE BILL NO. 1030

1 AN ACT TO "MISSISSIPPI INTERCOLLEGIATE ATHLETICS COMPENSATION  
2 RIGHTS ACT"; TO DEFINE TERMINOLOGY; TO PROVIDE THAT A  
3 STUDENT-ATHLETE MAY EARN COMPENSATION FOR THE USE OF HIS OR HER  
4 NAME, IMAGE OR LIKES WHILE ENROLLED IN A POSTSECONDARY INSTITUTION  
5 AND OBTAIN AN CERTIFIED AGENT FOR MATTERS RELATING TO THAT  
6 COMPENSATION; TO PROHIBIT STUDENT-ATHLETES FROM EARNING  
7 COMPENSATION IN EXCHANGE OF HIS OR HER ABILITY OR PARTICIPATION  
8 IN INTERCOLLEGIATE ATHLETICS OR SPORTS COMPETITIONS; TO PROVIDE  
9 THAT A STUDENT-ATHLETE SHALL NOT BE DEEMED AN EMPLOYEE OR  
10 INDEPENDENT CONTRACTOR OF ANY ATHLETIC ORGANIZATIONAL ENTITY BASED  
11 ON HIS OR HER PARTICIPATION IN AN INTERCOLLEGIATE ATHLETIC  
12 PROGRAM; TO PROHIBIT POSTSECONDARY EDUCATIONAL INSTITUTIONS FROM  
13 UPHOLD REQUIREMENTS THAT RESTRICT A STUDENT-ATHLETES ABILITY TO  
14 RECEIVE COMPENSATION FOR THE STUDENT'S NAME, IMAGE OR LIKENESS; TO  
15 PROHIBIT ATHLETIC ORGANIZATIONAL ENTITIES FROM INTERFERING WITH A  
16 CONTRACT OR OTHER REQUIREMENTS THAT PREVENT A STUDENT-ATHLETE FROM  
17 RECEIVING COMPENSATION FOR HIS OR HER NAME, IMAGE OR LIKENESS OR  
18 PREVENTS A POSTSECONDARY EDUCATIONAL INSTITUTION FROM  
19 PARTICIPATING IN AN INTERCOLLEGIATE ATHLETIC PROGRAM AS A RESULT  
20 OF THE STUDENT-ATHLETE RECEIVING COMPENSATION OF HIS OR HER NAME,  
21 IMAGE OR LIKENESS; TO ALLOW POSTSECONDARY EDUCATIONAL INSTITUTIONS  
22 TO IMPOSE REASONABLE LIMITATIONS ON THE TIMES A STUDENT-ATHLETE  
23 MAY PARTICIPATE IN CERTAIN PROMOTIONAL ACTIVITIES RELATED TO THE  
24 LICENSE OR USE OF THE STUDENT'S NAME, IMAGE OR LIKENESS; TO  
25 PROHIBIT POSTSECONDARY EDUCATIONAL INSTITUTIONS FROM PREVENTING  
26 STUDENT-ATHLETES FROM OBTAINING PROFESSIONAL REPRESENTATION; TO  
27 REQUIRE PERSONS OBTAINED BY STUDENT-ATHLETES AS PROFESSIONAL  
28 REPRESENTATIVES TO BE REGISTERED AS ATHLETE AGENTS AND ATTORNEYS  
29 WHO PROVIDE LEGAL REPRESENTATION TO BE LICENSED BY THE MISSISSIPPI  
30 BAR ASSOCIATION; TO REQUIRE STUDENT-ATHLETES TO DISCLOSE CONTRACTS  
31 FOR COMPENSATION TO THE POSTSECONDARY EDUCATIONAL INSTITUTION OF  
32 ENROLLMENT THE EARLIER OF THREE DAYS OF ITS EXECUTION OR THREE  
33 DAYS OF THE NEXT COMPETITION; TO PROHIBIT CONFLICTS OF INTERESTS  
34 BETWEEN THIRD-PARTY LICENSEES AND STUDENT-ATHLETES; TO EXEMPT



35 POSTSECONDARY EDUCATIONAL INSTITUTIONS FROM PRIVATE CAUSES OF  
36 ACTION FOR UNFAIR TRADE OR TORTIOUS INTERFERENCE; TO CREATE NEW  
37 SECTION 93-19-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
38 QUALIFYING INDIVIDUALS 18 YEARS OF AGE AND OLDER SHALL HAVE THE  
39 CAPACITY TO ENTER INTO BINDING CONTRACTS AFFECTING THEIR NAME,  
40 IMAGE AND LIKENESS WHILE PARTICIPATING IN COLLEGIATE SPORTS AS  
41 STUDENT-ATHLETES; TO PROVIDE THAT ANY LEGAL ACTION FOUNDED ON A  
42 STUDENT-ATHLETE'S NAME, IMAGE AND LIKENESS BY A QUALIFYING  
43 STUDENT-ATHLETE MAY BE BOUGHT IN THE STUDENT-ATHLETE'S OWN NAME;  
44 TO AMEND SECTION 73-42-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
45 TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

47 **SECTION 1.** This act shall be known, and may be cited as the  
48 "Mississippi Intercollegiate Athletics Compensation Rights Act."

49 **SECTION 2.** As used in this chapter, the following terms  
50 shall have the following meanings unless the context clearly  
51 indicates otherwise:

52 (a) "Compensation" means any form of payment or  
53 remuneration, including, but not limited to, cash, gifts, in-kind  
54 items of value, social media compensation, payments for licensing  
55 or use of publicity rights, payments for other intellectual or  
56 intangible property rights under federal or state law and any  
57 other form of payment or remuneration, except as excluded under  
58 the provisions of this act. For the purposes of this act,  
59 "compensation" shall not mean or include the following:

60 (i) Tuition, room, board, books, fees and personal  
61 expenses that a postsecondary educational institution provides a  
62 student-athlete in accordance with the rules of the athletic  
63 association or conference of which the postsecondary educational  
64 institution is a member;



65 (ii) Federal Pell Grants and other state and  
66 federal grants or scholarships unrelated to, and not awarded  
67 because of a student-athlete's participation in intercollegiate  
68 athletics or sports competition;

69 (iii) Any other financial aid, benefits or awards  
70 that a postsecondary educational institution provides a  
71 student-athlete in accordance with the rules of the athletic  
72 association or conference of which the postsecondary educational  
73 institution is a member; or

74 (iv) The payment of wages and benefits to a  
75 student-athlete for work actually performed, but not for athletic  
76 ability or participation in intercollegiate athletics, at a rate  
77 commensurate with the prevailing rate for similar work in the  
78 locality of the student-athlete's postsecondary educational  
79 institution.

80 (b) "Image" means a picture of the student-athlete.

81 (c) "Intercollegiate athletics program" means an  
82 intercollegiate athletics program played at the collegiate level  
83 for which eligibility requirements for participation by a  
84 student-athlete are established by a national association for the  
85 promotion or regulation of collegiate athletics.

86 (d) "Likeness" means a physical, digital or other  
87 depiction or representation of a student-athlete.



88 (e) "Name" means the first or last name, or the  
89 nickname, of a student-athlete when used in a context that  
90 reasonably identifies the student-athlete with particularity.

91 (f) "Name, image and likeness agreement" means a  
92 contract or similar arrangement between a student-athlete and a  
93 third-party licensee regarding the commercial use of the name,  
94 image or likeness of the student-athlete.

95 (g) "Publicity right" means any right that is:

96 (i) Licensed under a name, image and likeness  
97 agreement; or

98 (ii) Recognized under a federal or state law that  
99 permits an individual to control and profit from the commercial  
100 use of the name, image or likeness of the individual.

101 (h) "Postsecondary educational institution" means a  
102 public university or community college or private university or  
103 college.

104 (i) "Social media compensation" means all forms of  
105 payment for engagement on social media received by a  
106 student-athlete as a result of the use of that student-athlete's  
107 name, image or likeness.

108 (j) "Student-athlete" means an individual who engages  
109 in, is eligible to engage in, or may be eligible in the future to  
110 engage in, intercollegiate athletics program at a postsecondary  
111 educational institution. If an individual is permanently  
112 ineligible to participate in a particular intercollegiate sport,



113 the individual is not a student-athlete for purposes of that  
114 sport.

115 (k) "Third party licensee" means any individual or  
116 entity that licenses publicity rights or the use of name, image or  
117 likeness from any prospective or current student-athlete or group  
118 of student-athletes. The term "third-party licensee" shall not  
119 include any national association for the promotion or regulation  
120 of collegiate athletics, athletics conference or postsecondary  
121 educational institution.

122 **SECTION 3.** (1) Except as provided in Section 4 of this act,  
123 a student-athlete may:

124 (a) Earn compensation, commensurate with market value,  
125 for the use of the name, image or likeness of the student-athlete  
126 while enrolled at a postsecondary educational institution; and

127 (b) Obtain and retain a certified agent for any matter  
128 or activity relating to such compensation.

129 (2) No student-athlete may earn compensation in exchange for  
130 the student-athlete's athletic ability or participation in  
131 intercollegiate athletics or sports competition.

132 (3) Notwithstanding any other provision of applicable law or  
133 agreement to the contrary, a student-athlete shall not be deemed  
134 an employee or independent contractor of an association, a  
135 conference, or a postsecondary educational institution based on  
136 the student-athlete's participation in an intercollegiate  
137 athletics program.



138           **SECTION 4.** (1) (a) Except as provided for under this act,  
139 a postsecondary educational institution shall not uphold any  
140 contract, rule, regulation, standard, or other requirement that  
141 prevents a student-athlete of that institution from earning  
142 compensation as a result of the use of the student's name, image  
143 or likeness. Any such contract, rule, regulation, standard or  
144 other requirement shall be void and unenforceable against the  
145 postsecondary educational institution or the student-athlete.  
146 Compensation from the use of a student-athlete name, image or  
147 likeness may not affect the student-athlete's scholarship  
148 eligibility, grant-in-aid or other financial aid, awards or  
149 benefits or the student-athlete's intercollegiate athletic  
150 eligibility. Nothing in this act is intended to alter any state  
151 and federal laws or regulations regarding the award of financial  
152 aid at postsecondary educational institutions.

153           (b) Except as provided for in this act, an athletic  
154 association, conference or other group or organization with  
155 authority over intercollegiate athletic programs, including, but  
156 not limited to, the National Collegiate Athletic Association  
157 (NCAA) and the National Junior College Athletic Association, shall  
158 not prevent or otherwise enforce a contract, rule, regulation,  
159 standard or other requirement that prevents a student-athlete of a  
160 postsecondary educational institution from earning compensation as  
161 a result of the use of the student-athlete's name, image or



162 likeness. To protect the integrity of its educational mission and  
163 intercollegiate athletics program, a postsecondary educational  
164 institution may impose reasonable limitations on the dates and  
165 time that a student-athlete may participate in endorsement,  
166 promotional, social media, or other activities related to the  
167 license or use of the student-athlete's name, image and likeness.  
168 Nothing in this act shall restrict a postsecondary educational  
169 institution from exercising its sole discretion to control the  
170 authorized use of its trademarks or logos or to determine a  
171 student-athlete's apparel, gear or other wearables during an  
172 intercollegiate athletics competition or university-sponsored  
173 event.

174 (c) An athletic association, conference or other group  
175 or organization with authority over intercollegiate athletics  
176 programs, including, but not limited to, the National Collegiate  
177 Athletic Association and the National Junior College Athletic  
178 Association, shall not prevent or otherwise enforce a contract,  
179 rule, regulation, standard or other requirement that prevents a  
180 postsecondary educational institution from participating in an  
181 intercollegiate athletics program as a result of the compensation  
182 of a student-athlete for the use of the student-athlete's name,  
183 image, or likeness.

184 (2) A postsecondary educational institution, athletic  
185 association, conference or other group or organization with  
186 authority over intercollegiate athletics programs, including, but



187 not limited to, the National Collegiate Athletic Association and  
188 the National Junior College Athletic Association, shall not,  
189 directly or indirectly:

190 (a) Enter into, or offer to enter into, a name, image  
191 and likeness agreement with a prospective or current  
192 student-athlete; or

193 (b) Provide a prospective or current student-athlete or  
194 the student-athlete's family compensation in relation to the use  
195 of the student-athlete's name, image or likeness.

196 (3) (a) A postsecondary educational institution, athletic  
197 association, conference or other group or organization with  
198 authority over intercollegiate athletics programs, including, but  
199 not limited to, the National Collegiate Athletic Association and  
200 the National Junior College Athletic Association shall not prevent  
201 a student-athlete from obtaining professional representation in  
202 relation to name, image or likeness, or to secure a name, image  
203 and likeness agreement, including, but not limited to,  
204 representation provided by athlete agents or legal representation  
205 provided by attorneys.

206 (b) Professional representation obtained by  
207 student-athletes must be from persons registered as athlete agents  
208 as provided in Section 73-42-1 et seq., of the Uniform Athlete  
209 Agent Law. Attorneys who provide legal representation to  
210 student-athletes must be licensed to practice law in the State of  
211 Mississippi and in good standing with The Mississippi Bar.





212 (c) Athlete agents representing student-athletes shall  
213 comply with the Uniform Athlete Agents Law, established under  
214 Section 73-42-1, et seq., and the federal Sports Agent  
215 Responsibility and Trust Act, established under 15 USCS Sections  
216 7801-7807, in their relationships with student-athletes.

217 (4) A grant-in-aid, including cost of attendance, and other  
218 permissible financial aid, awards or benefits from the  
219 postsecondary educational institution in which a student-athlete  
220 is enrolled shall not be revoked, reduced, nor the terms and  
221 conditions altered, as a result of a student-athlete earning  
222 compensation or obtaining professional or legal representation  
223 pursuant to this act.

224 (5) A student-athlete who enters into a name, image and  
225 likeness agreement for compensation shall disclose the contract to  
226 a designated official of the postsecondary educational institution  
227 in which the student is enrolled. The disclosure shall be made  
228 within three (3) calendar days of the execution of the name, image  
229 and likeness agreement, or three (3) calendar days before the next  
230 scheduled intercollegiate athletics competition in which the  
231 student-athlete may participate, whichever occurs earlier in time.  
232 The postsecondary educational institution shall designate the  
233 official to whom the student-athlete must disclose these  
234 contracts.

235 (6) A third-party licensee may not enter into, or offer to  
236 enter into, a name, image and likeness agreement with a



237 student-athlete or otherwise compensate a student-athlete for the  
238 use of the student-athlete's name, image and likeness rights if a  
239 provision of the name, image and likeness agreement or the use of  
240 the student-athlete's name, image and likeness rights conflicts  
241 with a provision of a contract, rule, regulation, standard or  
242 other requirement of the postsecondary educational institution  
243 unless such contract or use is expressly approved in writing by  
244 the postsecondary educational institution.

245 (7) (a) No postsecondary educational institution, booster,  
246 third-party licensee, or any other individual or entity shall  
247 provide a prospective or current student-athlete compensation or  
248 enter into a name, image and likeness agreement as an inducement  
249 for the student-athlete to attend or enroll in a specific  
250 institution or group of institutions.

251 (b) No student-athlete shall enter into a name, image  
252 and likeness agreement or receive compensation from a third-party  
253 licensee relating to the name, image or likeness of the  
254 student-athlete:

255 (i) Before the date on which the student-athlete  
256 enrolls at a postsecondary educational institution; or

257 (ii) For the endorsement or promotion of gambling,  
258 sports betting, marijuana, tobacco or alcohol products,  
259 performance enhancing supplements, adult entertainment or any  
260 other product or service that is reasonably considered to be



261 inconsistent with the values or mission of a postsecondary  
262 educational institution.

263 (8) Nothing in this act shall be interpreted to modify any  
264 requirements or obligations imposed under Title IX of the  
265 Education Amendments of 1972 (20 USCS Section 1681, et seq.).

266 **SECTION 5.** The following shall be codified as Section  
267 93-19-17, Mississippi Code of 1972:

268 93-19-17. (1) All persons eighteen (18) years of age or  
269 older, if not otherwise disqualified, or prohibited by law, shall  
270 have the capacity to enter into binding contractual relationships  
271 affecting the use of their name, image or likeness while  
272 participating in intercollegiate sports as student-athletes.  
273 Nothing in this section shall be construed to affect any contracts  
274 entered into prior to the effective date of this act.

275 (2) In any legal action founded on a student-athlete name,  
276 image or likeness contract entered into by a person eighteen (18)  
277 years of age or older, the person may sue in his or her own name  
278 as an adult and be sued in his or her own name as an adult and be  
279 served with process as an adult.

280 (3) For purposes of this section:

281 (a) "Intercollegiate sport" means a sport played at the  
282 collegiate level for which eligibility requirements for  
283 participation by a student-athlete are established by a national  
284 association for the promotion or regulation of collegiate  
285 athletics; and



286 (b) "Student-athlete" means an individual who engages  
287 in, is eligible to engage in, or may be eligible in the future to  
288 engage in, any intercollegiate athletics program at a  
289 postsecondary educational institution. If an individual is  
290 permanently ineligible to participate in a particular  
291 intercollegiate sport, the individual is not a student-athlete for  
292 purposes of that sport.

293 **SECTION 6.** No postsecondary educational institution,  
294 athletic association or conference shall be subject to a private  
295 cause of action or any claim for damages of any kind under this  
296 act, including, without limitation, a claim for unfair trade or  
297 competition or tortious interference. No postsecondary  
298 educational institution, athletic association or conference shall  
299 be subject to a private cause of action or any claim for damages  
300 related to its adoption, implementation or enforcement of any  
301 contract, rule, regulation, standard or other requirement in  
302 compliance with this act. This act is not intended to and shall  
303 not waive or diminish any applicable defenses and immunities,  
304 including, without limitation, sovereign immunity applicable to  
305 postsecondary educational institutions.

306 **SECTION 7.** Section 73-42-3, Mississippi Code of 1972, is  
307 amended as follows:

308 73-42-3. In this chapter:

309 (a) "Agency contract" means an agreement in which a  
310 student-athlete authorizes a person to negotiate or solicit on



311 behalf of the student-athlete a professional-sports-services  
312 contract, an endorsement contract, compensation for the use of the  
313 student-athlete's name, image or likeness, or enrollment at any  
314 educational institution that offers an athletic scholarship to the  
315 student-athlete.

316 (b) "Athlete agent" means an individual who enters into  
317 an agency contract with a student-athlete or, directly or  
318 indirectly, recruits, induces or solicits a student-athlete to  
319 enter into an agency contract. The term does not include a  
320 spouse, parent, sibling, grandparent or guardian of the  
321 student-athlete or an individual acting solely on behalf of a  
322 professional sports team or professional sports organization. The  
323 term includes an individual who represents to the public that the  
324 individual is an athlete agent.

325 (c) "Athletic director" means an individual responsible  
326 for administering the overall athletic program of an educational  
327 institution or, if an educational institution has separately  
328 administered athletic programs for male students and female  
329 students, the athletic program for males or the athletic program  
330 for females, as appropriate.

331 (d) "Contact" means a communication, direct or  
332 indirect, written or oral, between an athlete agent and a  
333 student-athlete, to recruit, induce or solicit the student-athlete  
334 to enter into an agency contract.

335 (e) "Endorsement contract" means:



336                   (i) An agreement under which a student-athlete is  
337 employed or receives consideration or anything of value for the  
338 student-athlete's publicity, reputation, following \* \* \* or fame  
339 obtained because of the student-athlete's athletic ability or  
340 performance; and

341                   (ii) An agreement under which a student-athlete  
342 receives compensation, consideration or anything of value for the  
343 use of the student-athlete's name, image or likeness.

344                   (f) "Intercollegiate sport" means a sport played at the  
345 collegiate level for which eligibility requirements for  
346 participation by a student-athlete are established by a national  
347 association for the promotion or regulation of collegiate  
348 athletics.

349                   (g) "Person" means an individual, corporation, business  
350 trust, estate, trust, partnership, limited liability company,  
351 association, joint venture, government; governmental subdivision,  
352 agency or instrumentality; public corporation, or any other legal  
353 or commercial entity.

354                   (h) "Professional-sports-services contract" means an  
355 agreement under which an individual is employed or agrees to  
356 render services as a player on a professional sports team, with a  
357 professional sports organization, or as a professional athlete.

358                   (i) "Record" means information that is inscribed on a  
359 tangible medium or that is stored in an electronic or other medium  
360 and is retrievable in perceivable form.



361 (j) "Registration" means registration as an athlete  
362 agent pursuant to this chapter.

363 (k) "State" means a state of the United States, the  
364 District of Columbia, Puerto Rico, the United States Virgin  
365 Islands, or any territory or insular possession subject to the  
366 jurisdiction of the United States.

367 (l) "Student-athlete" means an individual who engages  
368 in, is eligible to engage in, or may be eligible in the future to  
369 engage in, a sport for a professional sports team or in any  
370 intercollegiate sport at any educational institution. If an  
371 individual is permanently ineligible to participate in a  
372 particular intercollegiate sport, the individual is not a  
373 student-athlete for purposes of that sport.

374 **SECTION 8.** This act shall take effect and be in force from  
375 and after July 1, 2021.

