

By: Senator(s) Parks, Carter, Simmons  
(12th), Norwood

To: Universities and  
Colleges

SENATE BILL NO. 2313  
(As Sent to Governor)

1 AN ACT TO BE KNOWN AS THE "MISSISSIPPI INTERCOLLEGIATE  
2 ATHLETICS COMPENSATION RIGHTS ACT"; TO AUTHORIZE STUDENT-ATHLETES  
3 TO EARN COMPENSATION FOR HIS NAME, IMAGE AND LIKENESS; TO DEFINE  
4 TERMS RELATING THERETO; TO PROVIDE THAT STUDENT-ATHLETES SHALL NOT  
5 EARN COMPENSATION IN EXCHANGE FOR HIS ATHLETIC ABILITY OR  
6 PARTICIPATION IN INTERCOLLEGIATE ATHLETICS; TO PROVIDE THAT  
7 STUDENT-ATHLETES SHALL NOT BE DEEMED TO BE EMPLOYEES OF THE  
8 EDUCATIONAL INSTITUTION; TO PROVIDE THAT A POSTSECONDARY  
9 EDUCATIONAL INSTITUTION SHALL NOT UPHOLD A CONTRACT THAT PREVENTS  
10 A STUDENT-ATHLETE FROM EARNING COMPENSATION FROM HIS NAME, IMAGE  
11 OR LIKENESS; TO PROVIDE THAT ATHLETIC ASSOCIATIONS WITH AUTHORITY  
12 OVER INTERCOLLEGIATE ATHLETIC PROGRAMS SHALL NOT PREVENT A  
13 STUDENT-ATHLETE FROM EARNING COMPENSATION FROM HIS NAME, IMAGE OR  
14 LIKENESS; TO PROVIDE THAT A STUDENT-ATHLETE SHALL NOT RECEIVE OR  
15 ENTER INTO A CONTRACT FOR COMPENSATION FOR THE USE OF HIS OR HER  
16 NAME, IMAGE OR LIKENESS IN A WAY THAT ALSO USES ANY REGISTERED OR  
17 LICENSED MARKS, LOGOS, VERBIAGE OR DESIGNS OF A POSTSECONDARY  
18 INSTITUTION, UNLESS THE INSTITUTION HAS PROVIDED THE  
19 STUDENT-ATHLETE WITH WRITTEN PERMISSION; TO PROVIDE THAT ATHLETIC  
20 ASSOCIATIONS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS  
21 SHALL NOT PREVENT EDUCATIONAL INSTITUTIONS FROM PARTICIPATING IN  
22 ATHLETICS AS A RESULT OF THE COMPENSATION OF A STUDENT-ATHLETE FOR  
23 THE USE OF THE STUDENT-ATHLETE'S NAME, IMAGE OR LIKENESS; TO  
24 PROVIDE THAT ATHLETIC ASSOCIATIONS WITH AUTHORITY OVER  
25 INTERCOLLEGIATE ATHLETIC PROGRAMS SHALL NOT PREVENT  
26 STUDENT-ATHLETES FROM OBTAINING PROFESSIONAL REPRESENTATION IN  
27 RELATION TO NAME, IMAGE OR LIKENESS; TO PROVIDE THAT A  
28 STUDENT-ATHLETE'S FINANCIAL AID SHALL NOT BE REVOKED IF HE IS  
29 COMPENSATED PURSUANT TO THIS ACT; TO PROVIDE THAT A  
30 STUDENT-ATHLETE WHO ENTERS INTO AN AGREEMENT SHALL DISCLOSE THE  
31 CONTRACT TO THE EDUCATIONAL INSTITUTION; TO PROVIDE THAT AN  
32 EDUCATIONAL INSTITUTION, BOOSTER, THIRD-PARTY LICENSEE, OR  
33 INDIVIDUAL OR ENTITY SHALL NOT PROVIDE COMPENSATION TO A CURRENT  
34 OR PROSPECTIVE STUDENT-ATHLETE AS AN INDUCEMENT FOR HIM TO ENROLL



35 IN A SPECIFIC INSTITUTION; TO PROVIDE THAT A STUDENT-ATHLETE SHALL  
36 NOT ENTER INTO A LIKENESS AGREEMENT THAT RELATES TO THE PROMOTION  
37 OF GAMBLING, MARIJUANA, SPORTS BETTING, TOBACCO, ALCOHOL OR OTHER  
38 PRODUCTS THAT MAY BE CONSIDERED INCONSISTENT WITH THE EDUCATIONAL  
39 INSTITUTION'S VALUES; TO CODIFY NEW SECTION 93-19-17, MISSISSIPPI  
40 CODE OF 1972, TO PROVIDE THAT PERSONS 18 YEARS OF AGE SHALL HAVE  
41 THE CAPACITY TO ENTER INTO BINDING CONTRACTS AFFECTING THE USE OF  
42 THEIR NAME, IMAGE, OR LIKENESS WHILE PARTICIPATING IN  
43 INTERCOLLEGIATE SPORTS; TO AMEND SECTION 73-42-3, MISSISSIPPI CODE  
44 OF 1972, TO INCLUDE COMPENSATION FOR THE USE OF A  
45 STUDENT-ATHLETE'S NAME, IMAGE OR LIKENESS IN THE DEFINITION OF  
46 "ENDORSEMENT CONTRACT" AND "AGENCY CONTRACT"; TO PROVIDE THAT NO  
47 POSTSECONDARY EDUCATIONAL INSTITUTION SHALL BE SUBJECT TO A CLAIM  
48 FOR DAMAGES FOR UNFAIR TRADE OR COMPETITION OR TORTIOUS  
49 INTERFERENCE; AND FOR RELATED PURPOSES.

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

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

53 **SECTION 2.** (1) As used in this act, the following terms  
54 shall have the following meanings unless the context clearly  
55 indicates otherwise:

56 (a) "Compensation" means anything of value, monetary or  
57 otherwise, including, but not limited to, cash, gifts, in-kind  
58 items of value, social media compensation, payments for licensing  
59 or use of publicity rights, payments for other intellectual or  
60 intangible property rights under federal or state law, and any  
61 other form of payment or remuneration, except as excluded under  
62 this act.

63 For the purposes of this act, "compensation" shall not mean  
64 or include the following:

65 (i) Tuition, room, board, books, fees and personal  
66 expenses that a postsecondary educational institution provides a  
67 student-athlete in accordance with the rules of the athletic



68 association or conference of which the postsecondary educational  
69 institution is a member;

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

74 (iii) Any other financial aid, benefits or awards  
75 that a postsecondary educational institution provides a  
76 student-athlete in accordance with the rules of the athletic  
77 association or conference of which the postsecondary educational  
78 institution is a member; or

79 (iv) The payment of wages and benefits to a  
80 student-athlete for work actually performed (but not for athletic  
81 ability or participation in intercollegiate athletics) at a rate  
82 commensurate with the prevailing rate for similar work in the  
83 locality of the student-athlete's postsecondary educational  
84 institution.

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

86 (c) "Intercollegiate athletics program" means an  
87 intercollegiate athletics program played at the collegiate level  
88 for which eligibility requirements for participation by a  
89 student-athlete are established by a national association for the  
90 promotion or regulation of collegiate athletics.

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



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

96 (f) "Name, Image and Likeness Agreement" means a  
97 contract or similar arrangement between a student-athlete and a  
98 third-party licensee regarding the commercial use of the name,  
99 image or likeness of the student-athlete.

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

101 (i) Licensed under a name, image, and likeness  
102 agreement; or

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

106 (h) "Postsecondary educational institution" means a  
107 public university or community college or private university or  
108 college.

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

113 (j) "Student-athlete" means an individual who engages  
114 in, is eligible to engage in, or may be eligible in the future to  
115 engage in, intercollegiate athletics program at a postsecondary  
116 educational institution. If an individual is permanently  
117 ineligible to participate in a particular intercollegiate sport,



118 the individual is not a student-athlete for purposes of that  
119 sport.

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

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

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

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

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

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



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

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



168 (3) To protect the integrity of its educational mission and  
169 intercollegiate athletics program, a postsecondary educational  
170 institution may impose reasonable limitations on the dates and  
171 time that a student-athlete may participate in endorsement,  
172 promotional, social media or other activities related to the  
173 license or use of the student-athlete's name, image and likeness.  
174 Nothing in this act shall restrict a postsecondary educational  
175 institution from exercising its sole discretion to control the  
176 authorized use of its marks or logos or to determine a  
177 student-athlete's apparel, gear or other wearables during an  
178 intercollegiate athletics competition or institution-sponsored  
179 event. A student-athlete may not receive or enter into a contract  
180 for compensation for the use of his or her name, image or likeness  
181 in a way that also uses any registered or licensed marks, logos,  
182 verbiage or designs of a postsecondary institution, unless the  
183 institution has provided the student-athlete with written  
184 permission to do so prior to execution of the contract or receipt  
185 of compensation. If permission is granted, the postsecondary  
186 educational institution, by agreement of all parties, may be  
187 compensated for the use in a manner consistent with market rates.  
188 A postsecondary educational institution may also prohibit a  
189 student-athlete from wearing any item of clothing, shoes, or other  
190 gear or wearables with the name, logo or insignia of any entity  
191 during an intercollegiate athletics competition or  
192 institution-sponsored event.



193           (4) An athletic association, conference or other group or  
194 organization with authority over intercollegiate athletics  
195 programs, including, but not limited to, the National Collegiate  
196 Athletic Association and the National Junior College Athletic  
197 Association, shall not enforce a contract, rule, regulation,  
198 standard or other requirement that prevents a postsecondary  
199 educational institution from participating in an intercollegiate  
200 athletics program as a result of the compensation of a  
201 student-athlete for the use of the student-athlete's name, image  
202 or likeness.

203           (5) A postsecondary educational institution, athletic  
204 association, conference or other group or organization with  
205 authority over intercollegiate athletics programs, including, but  
206 not limited to, the National Collegiate Athletic Association and  
207 the National Junior College Athletic Association, shall not,  
208 directly or indirectly:

209                   (a) Enter into, or offer to enter into, a name, image  
210 and likeness agreement with a prospective or current  
211 student-athlete; or

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

215           (6) A postsecondary educational institution, athletic  
216 association, conference or other group or organization with  
217 authority over intercollegiate athletics programs, including, but





218 not limited to, the National Collegiate Athletic Association and  
219 the National Junior College Athletic Association shall not prevent  
220 a student-athlete from obtaining professional representation in  
221 relation to name, image or likeness, or to secure a name, image  
222 and likeness agreement, including, but not limited to,  
223 representation provided by athlete agents or legal representation  
224 provided by attorneys. A student-athlete shall provide the  
225 postsecondary educational institution with written notice at least  
226 seven (7) days prior to entering into a representation agreement  
227 with any individual for the purpose of exploring or securing  
228 compensation for use of the student-athlete's name, image or  
229 likeness.

230 (7) Professional representation obtained by student-athletes  
231 must be from persons registered as athlete agents as provided in  
232 Section 73-42-1 et seq. of the Uniform Athlete Agent Act.  
233 Attorneys who provide legal representation to student-athletes  
234 must be licensed to practice law in the State of Mississippi and  
235 in good standing with The Mississippi Bar.

236 (8) Athlete agents representing student-athletes shall  
237 comply with the Uniform Athlete Agents Act, Section 73-42-1 et  
238 seq., Mississippi Code of 1972, and the federal Sports Agent  
239 Responsibility and Trust Act in 15 USC Sections 7801-7807 in their  
240 relationships with student-athletes.

241 (9) A grant-in-aid, including cost of attendance, and other  
242 permissible financial aid, awards or benefits from the



243 postsecondary educational institution in which a student-athlete  
244 is enrolled shall not be revoked, reduced, nor the terms and  
245 conditions altered, as a result of a student-athlete earning  
246 compensation or obtaining professional or legal representation  
247 pursuant to this act.

248 (10) Before any contract for compensation for the use of a  
249 student-athlete's name, image or likeness is executed, and before  
250 any compensation is provided to the student-athlete in advance of  
251 a contract, the student-athlete shall disclose the contract to a  
252 designated official of the postsecondary educational institution  
253 in which the student is enrolled in a manner prescribed by the  
254 institution.

255 (11) A third-party licensee may not enter into, or offer to  
256 enter into, a name, image and likeness agreement with a  
257 student-athlete or otherwise compensate a student-athlete for the  
258 use of the student-athlete's name, image and likeness rights if a  
259 provision of the name, image and likeness agreement or the use of  
260 the student-athlete's name, image and likeness rights conflicts  
261 with a provision of a contract, rule, regulation, standard or  
262 other requirement of the postsecondary educational institution  
263 unless such contract or use is expressly approved in writing by  
264 the postsecondary educational institution.

265 (12) No postsecondary educational institution, booster,  
266 third-party licensee or any other individual or entity shall  
267 provide a prospective or current student-athlete compensation or



268 enter into a name, image and likeness agreement as an inducement  
269 for the student-athlete to attend or enroll in a specific  
270 institution or group of institutions. Compensation for a  
271 student-athlete's name, image, or likeness may not be conditioned  
272 on athletic performance or attendance at a particular  
273 postsecondary educational institution.

274 (13) No student-athlete shall enter into a name, image, and  
275 likeness agreement or receive compensation from a third-party  
276 licensee relating to the name, image or likeness of the  
277 student-athlete before the date on which the student-athlete  
278 enrolls at a postsecondary educational institution.

279 (14) No student-athlete shall enter into a name, image, and  
280 likeness agreement or receive compensation from a third-party  
281 licensee for the endorsement or promotion of gambling, sports  
282 betting, controlled substances, marijuana, tobacco or alcohol  
283 company, brand or products, alternative or electronic nicotine  
284 product or delivery system, performance-enhancing supplements,  
285 adult entertainment or any other product or service that is  
286 reasonably considered to be inconsistent with the values or  
287 mission of a postsecondary educational institution or that  
288 negatively impacts or reflects adversely on a postsecondary  
289 education institution or its athletic programs, including, without  
290 limitation, bringing about public disrepute, embarrassment,  
291 scandal, ridicule or otherwise negatively impacting the reputation



292 or the moral or ethical standards of the postsecondary educational  
293 institution.

294 (15) A contract for the use of the a student-athlete's name,  
295 image, or likeness which is formed while the student-athlete is  
296 participating in an intercollegiate sport at a postsecondary  
297 educational institution may not extend beyond the  
298 student-athlete's participation in the sport at the institution.

299 (16) Nothing in this act shall be interpreted to modify any  
300 requirements or obligations imposed under Title IX of the  
301 Education Amendments of 1972 (20 USC 1681 et seq.).

302 **SECTION 5.** The following shall be codified as Section  
303 93-19-17, Mississippi Code of 1972:

304 93-19-17. (1) All persons eighteen (18) years of age or  
305 older, if not otherwise disqualified, or prohibited by law, shall  
306 have the capacity to enter into binding contractual relationships  
307 affecting the use of their name, image or likeness while  
308 participating in intercollegiate sports as student-athletes.  
309 Nothing in this section shall be construed to affect any contracts  
310 entered into prior to the effective date of this act.

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

316 (3) For purposes of this section:



317 (a) "Intercollegiate sport" means a sport played at the  
318 collegiate level for which eligibility requirements for  
319 participation by a student-athlete are established by a national  
320 association for the promotion or regulation of collegiate  
321 athletics; and

322 (b) "Student-athlete" means an individual who engages  
323 in, is eligible to engage in, or may be eligible in the future to  
324 engage in, any intercollegiate athletics program at a  
325 postsecondary educational institution. If an individual is  
326 permanently ineligible to participate in a particular  
327 intercollegiate sport, the individual is not a student-athlete for  
328 purposes of that sport.

329 **SECTION 6.** Section 73-42-3, Mississippi Code of 1972, is  
330 amended as follows:

331 73-42-3. In this chapter:

332 (a) "Agency contract" means an agreement in which a  
333 student-athlete authorizes a person to negotiate or solicit on  
334 behalf of the student-athlete a professional-sports-services  
335 contract, an endorsement contract, compensation for the use of the  
336 student-athlete's name, image or likeness, or enrollment at any  
337 educational institution that offers an athletic scholarship to the  
338 student-athlete.

339 (b) "Athlete agent" means an individual who enters into  
340 an agency contract with a student-athlete or, directly or  
341 indirectly, recruits, induces or solicits a student-athlete to



342 enter into an agency contract. The term does not include a  
343 spouse, parent, sibling, grandparent or guardian of the  
344 student-athlete or an individual acting solely on behalf of a  
345 professional sports team or professional sports organization. The  
346 term includes an individual who represents to the public that the  
347 individual is an athlete agent.

348 (c) "Athletic director" means an individual responsible  
349 for administering the overall athletic program of an educational  
350 institution or, if an educational institution has separately  
351 administered athletic programs for male students and female  
352 students, the athletic program for males or the athletic program  
353 for females, as appropriate.

354 (d) "Contact" means a communication, direct or  
355 indirect, written or oral, between an athlete agent and a  
356 student-athlete, to recruit, induce or solicit the student-athlete  
357 to enter into an agency contract.

358 (e) "Endorsement contract" means:

359 (i) An agreement under which a student-athlete is  
360 employed or receives consideration or anything of value for the  
361 student-athlete's publicity, reputation, following, or fame  
362 obtained because of the student-athlete's athletic ability or  
363 performance \* \* \*; and

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



367 (f) "Intercollegiate sport" means a sport played at the  
368 collegiate level for which eligibility requirements for  
369 participation by a student-athlete are established by a national  
370 association for the promotion or regulation of collegiate  
371 athletics.

372 (g) "Person" means an individual, corporation, business  
373 trust, estate, trust, partnership, limited liability company,  
374 association, joint venture, government; governmental subdivision,  
375 agency or instrumentality; public corporation, or any other legal  
376 or commercial entity.

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

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

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

386 (k) "State" means a state of the United States, the  
387 District of Columbia, Puerto Rico, the United States Virgin  
388 Islands, or any territory or insular possession subject to the  
389 jurisdiction of the United States.

390 (l) "Student-athlete" means an individual who engages  
391 in, is eligible to engage in, or may be eligible in the future to



392 engage in, a sport for a professional sports team or in any  
393 intercollegiate sport at any educational institution. If an  
394 individual is permanently ineligible to participate in a  
395 particular intercollegiate sport, the individual is not a  
396 student-athlete for purposes of that sport.

397 **SECTION 7.** No postsecondary educational institution shall be  
398 subject to a claim for damages of any kind under this act,  
399 including, without limitation, a claim for unfair trade or  
400 competition or tortious interference. No postsecondary  
401 educational institution shall be subject to a claim for damages  
402 related to its adoption, implementation or enforcement of any  
403 contract, rule, regulation, standard or other requirement in  
404 compliance with this act. The act is not intended to and shall  
405 not waive or diminish any applicable defenses and immunities,  
406 including, without limitation, sovereign immunity applicable to  
407 postsecondary educational institutions.

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

