

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2313**

**BY: Committee**

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

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

52        **SECTION 2.** As used in this chapter, the following terms  
53 shall have the following meanings unless the context clearly  
54 indicates otherwise:

55                (a) "Compensation" means any form of payment or  
56 remuneration, including, but not limited to, cash, gifts, in-kind  
57 items of value, social media compensation, payments for licensing  
58 or use of publicity rights, payments for other intellectual or  
59 intangible property rights under federal or state law and any



60 other form of payment or remuneration, except as excluded under  
61 the provisions of this act. For the purposes of this act,  
62 "compensation" shall not mean or include the following:

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

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

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

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

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



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

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

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

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

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

99 (i) Licensed under a name, image and likeness  
100 agreement; or

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

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

107 (i) "Social media compensation" means all forms of  
108 payment for engagement on social media received by a



student-athlete as a result of the use of that student-athlete's name, image or likeness.

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

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

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

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

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



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

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

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



(b) Except as provided for in this act, an athletic association, conference or other group or organization with authority over intercollegiate athletic programs, including, but not limited to, the National Collegiate Athletic Association (NCAA) and the National Junior College Athletic Association, shall not prevent or otherwise enforce a contract, rule, regulation, standard or other requirement that prevents a student-athlete of a postsecondary educational institution from earning compensation as a result of the use of the student-athlete's name, image or likeness. To protect the integrity of its educational mission and intercollegiate athletics program, a postsecondary educational institution may impose reasonable limitations on the dates and time that a student-athlete may participate in endorsement, promotional, social media, or other activities related to the license or use of the student-athlete's name, image and likeness. Nothing in this act shall restrict a postsecondary educational institution from exercising its sole discretion to control the authorized use of its trademarks or logos or to determine a student-athlete's apparel, gear or other wearables during an intercollegiate athletics competition or university-sponsored event.

(c) An athletic association, conference or other group or organization with authority over intercollegiate athletics programs, including, but not limited to, the National Collegiate Athletic Association and the National Junior College Athletic



181 Association, shall not prevent or otherwise enforce a contract,  
182 rule, regulation, standard or other requirement that prevents a  
183 postsecondary educational institution from participating in an  
184 intercollegiate athletics program as a result of the compensation  
185 of a student-athlete for the use of the student-athlete's name,  
186 image, or likeness.

187 (2) A postsecondary educational institution, athletic  
188 association, conference or other group or organization with  
189 authority over intercollegiate athletics programs, including, but  
190 not limited to, the National Collegiate Athletic Association and  
191 the National Junior College Athletic Association, shall not,  
192 directly or indirectly:

193 (a) Enter into, or offer to enter into, a name, image  
194 and likeness agreement with a prospective or current  
195 student-athlete; or

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

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



206 and likeness agreement, including, but not limited to,  
207 representation provided by athlete agents or legal representation  
208 provided by attorneys.

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

215 (c) Athlete agents representing student-athletes shall  
216 comply with the Uniform Athlete Agents Law, established under  
217 Section 73-42-1, et seq., and the federal Sports Agent  
218 Responsibility and Trust Act, established under 15 USCS Sections  
219 7801-7807, in their relationships with student-athletes.

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

227 (5) A student-athlete who enters into a name, image and  
228 likeness agreement for compensation shall disclose the contract to  
229 a designated official of the postsecondary educational institution  
230 in which the student is enrolled. The disclosure shall be made





231 within three (3) calendar days of the execution of the name, image  
232 and likeness agreement, or three (3) calendar days before the next  
233 scheduled intercollegiate athletics competition in which the  
234 student-athlete may participate, whichever occurs earlier in time.  
235 The postsecondary educational institution shall designate the  
236 official to whom the student-athlete must disclose these  
237 contracts.

238 (6) A third-party licensee may not enter into, or offer to  
239 enter into, a name, image and likeness agreement with a  
240 student-athlete or otherwise compensate a student-athlete for the  
241 use of the student-athlete's name, image and likeness rights if a  
242 provision of the name, image and likeness agreement or the use of  
243 the student-athlete's name, image and likeness rights conflicts  
244 with a provision of a contract, rule, regulation, standard or  
245 other requirement of the postsecondary educational institution  
246 unless such contract or use is expressly approved in writing by  
247 the postsecondary educational institution.

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

254 (b) No student-athlete shall enter into a name, image  
255 and likeness agreement or receive compensation from a third-party



licensee relating to the name, image or likeness of the student-athlete:

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

(ii) For the endorsement or promotion of gambling, sports betting, marijuana, tobacco or alcohol products, performance enhancing supplements, adult entertainment or any other product or service that is reasonably considered to be inconsistent with the values or mission of a postsecondary educational institution.

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

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

93-19-17. (1) All persons eighteen (18) years of age or older, if not otherwise disqualified, or prohibited by law, shall have the capacity to enter into binding contractual relationships affecting the use of their name, image or likeness while participating in intercollegiate sports as student-athletes.

Nothing in this section shall be construed to affect any contracts entered into prior to the effective date of this act.

(2) In any legal action founded on a student-athlete name, image or likeness contract entered into by a person eighteen (18) years of age or older, the person may sue in his or her own name



as an adult and be sued in his or her own name as an adult and be served with process as an adult.

(3) For purposes of this section:

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

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

**SECTION 6.** No postsecondary educational institution, athletic association or conference shall be subject to a private cause of action or any claim for damages of any kind under this act, including, without limitation, a claim for unfair trade or competition or tortious interference. No postsecondary educational institution, athletic association or conference shall be subject to a private cause of action or any claim for damages related to its adoption, implementation or enforcement of any contract, rule, regulation, standard or other requirement in compliance with this act. This act is not intended to and shall



not waive or diminish any applicable defenses and immunities, including, without limitation, sovereign immunity applicable to postsecondary educational institutions. For purposes of this section, the words "private cause of action or any claim for damages of any kind" means any claim or action brought by any person or current or former student-athlete who is not a party to a name, image and likeness agreement or contract with the postsecondary educational institution, athletic association, conference or other group or organization with authority over intercollegiate athletic programs. The words "private cause of action or any claim for damages of any kind" shall not be construed to include any claim or action by the student-athlete that is engaged in a name, image and likeness agreement for compensation.

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

73-42-3. In this chapter:

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



330 (b) "Athlete agent" means an individual who enters into  
331 an agency contract with a student-athlete or, directly or  
332 indirectly, recruits, induces or solicits a student-athlete to  
333 enter into an agency contract. The term does not include a  
334 spouse, parent, sibling, grandparent or guardian of the  
335 student-athlete or an individual acting solely on behalf of a  
336 professional sports team or professional sports organization. The  
337 term includes an individual who represents to the public that the  
338 individual is an athlete agent.

339 (c) "Athletic director" means an individual responsible  
340 for administering the overall athletic program of an educational  
341 institution or, if an educational institution has separately  
342 administered athletic programs for male students and female  
343 students, the athletic program for males or the athletic program  
344 for females, as appropriate.

345 (d) "Contact" means a communication, direct or  
346 indirect, written or oral, between an athlete agent and a  
347 student-athlete, to recruit, induce or solicit the student-athlete  
348 to enter into an agency contract.

349 (e) "Endorsement contract" means:

350 (i) An agreement under which a student-athlete is  
351 employed or receives consideration or anything of value for the  
352 student-athlete's publicity, reputation, following \* \* \* or fame  
353 obtained because of the student-athlete's athletic ability or  
354 performance; and



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

358                   (f) "Intercollegiate sport" means a sport played at the  
359 collegiate level for which eligibility requirements for  
360 participation by a student-athlete are established by a national  
361 association for the promotion or regulation of collegiate  
362 athletics.

363                   (g) "Person" means an individual, corporation, business  
364 trust, estate, trust, partnership, limited liability company,  
365 association, joint venture, government; governmental subdivision,  
366 agency or instrumentality; public corporation, or any other legal  
367 or commercial entity.

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

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

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

377                   (k) "State" means a state of the United States, the  
378 District of Columbia, Puerto Rico, the United States Virgin



379 Islands, or any territory or insular possession subject to the  
380 jurisdiction of the United States.

381 (1) "Student-athlete" means an individual who engages  
382 in, is eligible to engage in, or may be eligible in the future to  
383 engage in, a sport for a professional sports team or in any  
384 intercollegiate sport at any educational institution. If an  
385 individual is permanently ineligible to participate in a  
386 particular intercollegiate sport, the individual is not a  
387 student-athlete for purposes of that sport.

388 **SECTION 8.** This act shall take effect and be in force from  
389 and after July 1, 2021, and shall stand repealed on June 30, 2021.

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

1 AN ACT TO CREATE THE "MISSISSIPPI INTERCOLLEGIATE ATHLETICS  
2 COMPENSATION 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 LIKENESS WHILE ENROLLED IN A POSTSECONDARY  
5 INSTITUTION AND OBTAIN A CERTIFIED AGENT FOR MATTERS RELATING TO  
6 THAT COMPENSATION; TO PROHIBIT STUDENT-ATHLETES FROM EARNING  
7 COMPENSATION IN EXCHANGE FOR 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 UPHOLDING 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 PREVENT A POSTSECONDARY EDUCATIONAL INSTITUTION FROM PARTICIPATING  
19 IN AN INTERCOLLEGIATE ATHLETIC PROGRAM AS A RESULT OF THE  
20 STUDENT-ATHLETE RECEIVING COMPENSATION FOR HIS OR HER NAME, IMAGE  
21 OR LIKENESS; TO ALLOW POSTSECONDARY EDUCATIONAL INSTITUTIONS TO  
22 IMPOSE REASONABLE LIMITATIONS ON THE TIMES A STUDENT-ATHLETE MAY



23 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 INTEREST  
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 DEFINE THE  
37 TERM "PRIVATE CAUSE OF ACTION" TO PROVIDE A LEGAL RECOURSE TO  
38 THOSE STUDENT-ATHLETES WHOSE NAMES, IMAGES AND LIKENESSES WERE  
39 USED WITHOUT THEIR CONSENT; TO CREATE NEW SECTION 93-19-17,  
40 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT QUALIFYING INDIVIDUALS  
41 18 YEARS OF AGE AND OLDER SHALL HAVE THE CAPACITY TO ENTER INTO  
42 BINDING CONTRACTS AFFECTING THEIR NAME, IMAGE AND LIKENESS WHILE  
43 PARTICIPATING IN COLLEGIATE SPORTS AS STUDENT-ATHLETES; TO PROVIDE  
44 THAT ANY LEGAL ACTION FOUNDED ON A STUDENT-ATHLETE'S NAME, IMAGE  
45 AND LIKENESS BY A QUALIFYING STUDENT-ATHLETE MAY BE BOUGHT IN THE  
46 STUDENT-ATHLETE'S OWN NAME; TO AMEND SECTION 73-42-3, MISSISSIPPI  
47 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR  
48 RELATED PURPOSES.

