

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1030

BY: Committee

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

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

48 SECTION 2. (1) As used in this act, the following terms
49 shall have the following meanings unless the context clearly
50 indicates otherwise:

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



56 other form of payment or remuneration, except as excluded under
57 this act.

58 For the purposes of this act, "compensation" shall not mean
59 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) Except as provided for under this act, a
139 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 (2) 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
160 a postsecondary educational institution from earning compensation
161 as 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 (3) An athletic association, conference or other group or
175 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 enforce a contract, rule, regulation,
179 standard or other requirement that prevents a postsecondary
180 educational institution from participating in an intercollegiate
181 athletics program as a result of the compensation of a
182 student-athlete for the use of the student-athlete's name, image
183 or likeness.

184 (4) 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 (5) 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 (6) Professional representation obtained by student-athletes
207 must be from persons registered as athlete agents as provided in
208 Section 73-42-1 et seq. of the Uniform Athlete Agent Act.
209 Attorneys who provide legal representation to student-athletes
210 must be licensed to practice law in the State of Mississippi and
211 in good standing with The Mississippi Bar.

212 (7) Athlete agents representing student-athletes shall
213 comply with the Uniform Athlete Agents Act, Section 73-42-1 et
214 seq., Mississippi Code of 1972, and the federal Sports Agent
215 Responsibility and Trust Act in 15 USC Sections 7801-7807 in their
216 relationships with student-athletes.

217 (8) 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 (9) 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 (10) 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 (11) 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 (12) No student-athlete shall enter into a name, image, and
252 likeness agreement or receive compensation from a third-party



253 licensee relating to the name, image or likeness of the
254 student-athlete before the date on which the student-athlete
255 enrolls at a postsecondary educational institution; or for the
256 endorsement or promotion of gambling, sports betting, marijuana,
257 tobacco or alcohol products, performance enhancing supplements,
258 adult entertainment or any other product or service that is
259 reasonably considered to be inconsistent with the values or
260 mission of a postsecondary educational institution.

261 (13) Nothing in this act shall be interpreted to modify any
262 requirements or obligations imposed under Title IX of the
263 Education Amendments of 1972 (20 USC 1681 et seq.).

264 **SECTION 5.** The following shall be codified as Section
265 93-19-17, Mississippi Code of 1972:

266 93-19-17. (1) All persons eighteen (18) years of age or
267 older, if not otherwise disqualified, or prohibited by law, shall
268 have the capacity to enter into binding contractual relationships
269 affecting the use of their name, image or likeness while
270 participating in intercollegiate sports as student-athletes.
271 Nothing in this section shall be construed to affect any contracts
272 entered into prior to the effective date of this act.

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



278 (3) For purposes of this section:

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

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

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

293 73-42-3. In this chapter:

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

301 (b) "Athlete agent" means an individual who enters into
302 an agency contract with a student-athlete or, directly or



303 indirectly, recruits, induces or solicits a student-athlete to
304 enter into an agency contract. The term does not include a
305 spouse, parent, sibling, grandparent or guardian of the
306 student-athlete or an individual acting solely on behalf of a
307 professional sports team or professional sports organization. The
308 term includes an individual who represents to the public that the
309 individual is an athlete agent.

310 (c) "Athletic director" means an individual responsible
311 for administering the overall athletic program of an educational
312 institution or, if an educational institution has separately
313 administered athletic programs for male students and female
314 students, the athletic program for males or the athletic program
315 for females, as appropriate.

316 (d) "Contact" means a communication, direct or
317 indirect, written or oral, between an athlete agent and a
318 student-athlete, to recruit, induce or solicit the student-athlete
319 to enter into an agency contract.

320 (e) "Endorsement contract" means

321 (i) An agreement under which a student-athlete is
322 employed or receives consideration or anything of value for the
323 student-athlete's publicity, reputation, following, or fame
324 obtained because of the student-athlete's athletic ability or
325 performance * * *; and



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

329 (f) "Intercollegiate sport" means a sport played at the
330 collegiate level for which eligibility requirements for
331 participation by a student-athlete are established by a national
332 association for the promotion or regulation of collegiate
333 athletics.

334 (g) "Person" means an individual, corporation, business
335 trust, estate, trust, partnership, limited liability company,
336 association, joint venture, government; governmental subdivision,
337 agency or instrumentality; public corporation, or any other legal
338 or commercial entity.

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

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

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

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



350 Islands, or any territory or insular possession subject to the
351 jurisdiction of the United States.

352 (1) "Student-athlete" means an individual who engages
353 in, is eligible to engage in, or may be eligible in the future to
354 engage in, a sport for a professional sports team or in any
355 intercollegiate sport at any educational institution. If an
356 individual is permanently ineligible to participate in a
357 particular intercollegiate sport, the individual is not a
358 student-athlete for purposes of that sport.

359 **SECTION 7.** No postsecondary educational institution,
360 athletic association or conference shall be subject to a private
361 cause of action or any claim for damages of any kind under this
362 act, including, without limitation, a claim for unfair trade or
363 competition or tortious interference. No postsecondary
364 educational institution, athletic association or conference shall
365 be subject to a private cause of action or any claim for damages
366 related to its adoption, implementation, or enforcement of any
367 contract, rule, regulation, standard or other requirement in
368 compliance with this act. The act is not intended to and shall
369 not waive or diminish any applicable defenses and immunities,
370 including, without limitation, sovereign immunity applicable to
371 postsecondary educational institutions.

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



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

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 ATHLETIC ASSOCIATIONS WITH AUTHORITY
15 OVER INTERCOLLEGIATE ATHLETIC PROGRAMS SHALL NOT PREVENT
16 EDUCATIONAL INSTITUTIONS FROM PARTICIPATING IN ATHLETICS AS A
17 RESULT OF THE COMPENSATION OF A STUDENT-ATHLETE FOR THE USE OF THE
18 STUDENT-ATHLETE'S NAME, IMAGE OR LIKENESS; TO PROVIDE THAT
19 ATHLETIC ASSOCIATIONS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC
20 PROGRAMS SHALL NOT PREVENT STUDENT-ATHLETES FROM OBTAINING
21 PROFESSIONAL REPRESENTATION IN RELATION TO NAME, IMAGE OR
22 LIKENESS; TO PROVIDE THAT A STUDENT-ATHLETE'S FINANCIAL AID SHALL
23 NOT BE REVOKED IF HE IS COMPENSATED PURSUANT TO THIS ACT; TO
24 PROVIDE THAT A STUDENT-ATHLETE WHO ENTERS INTO AN AGREEMENT SHALL
25 DISCLOSE THE CONTRACT TO THE EDUCATIONAL INSTITUTION; TO PROVIDE
26 THAT AN EDUCATIONAL INSTITUTION, BOOSTER, THIRD-PARTY LICENSEE, OR
27 INDIVIDUAL OR ENTITY SHALL NOT PROVIDE COMPENSATION TO A CURRENT
28 OR PROSPECTIVE STUDENT-ATHLETE AS AN INDUCEMENT FOR HIM TO ENROLL
29 IN A SPECIFIC INSTITUTION; TO PROVIDE THAT A STUDENT-ATHLETE SHALL
30 NOT ENTER INTO A LIKENESS AGREEMENT THAT RELATES TO THE PROMOTION
31 OF GAMBLING, MARIJUANA, SPORTS BETTING, TOBACCO, ALCOHOL OR OTHER
32 PRODUCTS THAT MAY BE CONSIDERED INCONSISTENT WITH THE EDUCATIONAL
33 INSTITUTION'S VALUES; TO CODIFY NEW SECTION 93-19-17, MISSISSIPPI
34 CODE OF 1972, TO PROVIDE THAT PERSONS 18 YEARS OF AGE SHALL HAVE
35 THE CAPACITY TO ENTER INTO BINDING CONTRACTS AFFECTING THE USE OF
36 THEIR NAME, IMAGE, OR LIKENESS WHILE PARTICIPATING IN
37 INTERCOLLEGIATE SPORTS; TO AMEND SECTION 73-42-3, MISSISSIPPI CODE
38 OF 1972, TO INCLUDE COMPENSATION FOR THE USE OF A
39 STUDENT-ATHLETE'S NAME, IMAGE OR LIKENESS IN THE DEFINITION OF
40 "ENDORSEMENT CONTRACT" AND "AGENCY CONTRACT"; TO PROVIDE THAT NO
41 POSTSECONDARY EDUCATIONAL INSTITUTION, ATHLETIC ASSOCIATION OR
42 CONFERENCE SHALL BE SUBJECT TO A PRIVATE CAUSE OF ACTION FOR
43 UNFAIR TRADE OR COMPETITION OR TORTIOUS INTERFERENCE; AND FOR
44 RELATED PURPOSES.

