

By: Representatives Bounds, Stamps

To: Judiciary A

HOUSE BILL NO. 1198

1 AN ACT TO REVISE VARIOUS PROVISIONS OF THE "UNIFORM ATHLETE
2 AGENTS ACT"; TO AMEND SECTION 73-42-3, MISSISSIPPI CODE OF 1972,
3 TO REVISE TERMINOLOGY AND DEFINITIONS USED IN THE ACT; TO AMEND
4 SECTION 73-42-7, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN AN
5 INDIVIDUAL MAY ACT AS AN ATHLETE AGENT PRIOR TO BECOMING
6 REGISTERED AS SUCH; TO AMEND SECTION 73-42-9, MISSISSIPPI CODE OF
7 1972, TO REQUIRE ADDITIONAL INFORMATION FROM THE APPLICANT WHEN
8 REGISTERING AS AN ATHLETE AGENT; TO AMEND SECTION 73-42-11,
9 MISSISSIPPI CODE OF 1972, TO CLARIFY GROUNDS FOR DENIAL OF
10 REGISTRATION AND TO PRESCRIBE PROCEDURES FOR RENEWAL OF
11 REGISTRATIONS; TO AMEND SECTION 73-42-13, MISSISSIPPI CODE OF
12 1972, TO SPECIFY GROUNDS FOR DENIAL, SUSPENSION, REVOCATION OR
13 REFUSAL TO RENEW REGISTRATION AS AN ATHLETE AGENT; TO AMEND
14 SECTION 73-42-17, MISSISSIPPI CODE OF 1972, TO REMOVE THE
15 AUTHORITY OF THE SECRETARY OF STATE TO CHARGE ADDITIONAL FEES FOR
16 PROCESSING AND ADMINISTERING CRIMINAL BACKGROUND CHECKS FOR
17 APPLICANTS SEEKING REGISTRATION AS AN ATHLETE AGENT; TO AMEND
18 SECTION 73-42-19, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
19 CONTRACTUAL REQUIREMENTS FOR AGENCY CONTRACTS, INCLUDING WARNINGS
20 OF POSSIBLE INELIGIBILITY TO PARTICIPATE IN A SPORT, REQUIRED
21 NOTICE TO BE PROVIDED TO ATHLETIC DIRECTORS WITHIN 72 HOURS OF
22 ENTERING AN AGENCY CONTRACT, WHAT WOULD CAUSE THE CONTRACT TO BE
23 VOIDED AND THE REQUIREMENT FOR THE PARENT OR GUARDIAN OF MINOR
24 STUDENT-ATHLETES TO SIGN THE CONTRACT FOR SUCH STUDENT; TO AMEND
25 SECTION 73-42-21, MISSISSIPPI CODE OF 1972, TO SPECIFY
26 REQUIREMENTS FOR NOTICE TO EDUCATIONAL INSTITUTIONS; TO AMEND
27 SECTION 73-42-23, MISSISSIPPI CODE OF 1972, TO RECOGNIZE THE
28 RIGHTS OF PARENTS OR GUARDIANS OF MINOR STUDENT-ATHLETES; TO AMEND
29 SECTION 73-42-27, MISSISSIPPI CODE OF 1972, TO CLARIFY ACTS THAT
30 ATHLETE AGENTS ARE PROHIBITED FROM ENGAGING; TO AUTHORIZE PAYMENT
31 OF CERTAIN EXPENSES OF THE STUDENT-ATHLETE BY AN ATHLETE AGENT; TO
32 AMEND SECTION 73-42-31, MISSISSIPPI CODE OF 1972, TO RECOGNIZE AN
33 EDUCATIONAL INSTITUTION'S AND STUDENT-ATHLETE'S RIGHT TO BRING AN
34 ACTION AGAINST AN ATHLETE AGENT FOR ACTS OR OMISSIONS THAT



35 ADVERSELY AFFECT THE INSTITUTION OR STUDENT-ATHLETE; TO AMEND
36 SECTION 73-42-33, MISSISSIPPI CODE OF 1972, TO INCREASE THE
37 MAXIMUM CIVIL PENALTY IMPOSED BY THE SECRETARY OF STATE FOR
38 VIOLATIONS OF THE ACT UP TO \$50,000.00; TO AMEND SECTION 73-42-34,
39 MISSISSIPPI CODE OF 1972, TO CONFORM VENUE REQUIREMENTS FOR COURTS
40 OF PROPER JURISDICTIONS FOR RESIDENT AND NONRESIDENT ATHLETE
41 AGENTS AND PROVIDE A MANNER FOR APPEALS; TO AUTHORIZE THE
42 SECRETARY OF STATE TO SUSPEND REGISTRATIONS FOR AGENTS WHO FAIL TO
43 COMPLY WITH AN ORDER FOR SUPPORT; TO CREATE NEW SECTION 73-42-41,
44 MISSISSIPPI CODE OF 1972, TO RECOGNIZE THE AUTHORITY AND AUTONOMY
45 OF EDUCATIONAL INSTITUTIONS TO ESTABLISH THEIR OWN POLICIES AND
46 REGULATIONS GOVERNING ATHLETE AGENT SOLICITATIONS AND INTERACTIONS
47 WITH STUDENT-ATHLETES; TO BRING FORWARD SECTIONS 73-42-1, 73-42-5,
48 73-42-15, 73-42-25, 73-42-29, 73-42-35, 73-42-37 AND 73-42-39,
49 MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF THE "UNIFORM
50 ATHLETE AGENTS ACT," FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO
51 BRING FORWARD SECTIONS 37-97-101, 37-97-103, 37-97-105, 37-97-107
52 AND 37-97-109, MISSISSIPPI CODE OF 1972, WHICH IS THE "MISSISSIPPI
53 INTERCOLLEGIATE ATHLETICS COMPENSATION RIGHTS ACT," FOR THE
54 PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

56 **SECTION 1.** Section 73-42-3, Mississippi Code of 1972, is
57 amended as follows:

58 73-42-3. In this * * * act:

59 (a) "Agency contract" means an agreement in which a
60 student-athlete authorizes a person to negotiate or solicit on
61 behalf of the student-athlete a professional-sports-services
62 contract, an endorsement contract, or compensation for the use of
63 the student-athlete's name, image or likeness * * *.

64 (b) "Athlete agent" means an individual, whether or not
65 registered under this act, who: * * *

66 (i) Directly or indirectly recruits or solicits as
67 student-athlete to enter into an agency contract or, for
68 compensation, procures employment or offers, promises, attempts or



69 negotiates to obtain employment for a student-athlete as a
70 professional athlete or member of a professional sports team
71 or organization;

72 (ii) For compensation or in anticipation of
73 compensation related to a student-athlete's participation in
74 athletics:

75 1. Serves the student-athlete in an advisory
76 capacity on a matter related to finances, business pursuits or
77 career management decisions, unless the individual is an employee
78 of an educational institution acting exclusively as an employee of
79 the educational institution for the benefit of such institution;

80 or

81 2. Manages the business affairs of the
82 student-athlete by providing assistance with bills, payments,
83 contracts or other taxes; or

84 (iii) In anticipation of representing a
85 student-athlete for a purpose related to the student-athlete's
86 participation in athletics:

87 1. Gives consideration to the student-athlete
88 or another person;

89 2. Serves the student-athlete in an advisory
90 capacity on a matter related to finances, business pursuits or
91 career management decisions; or



92 3. Manages the business affairs of the
93 student-athlete by providing assistance with bills, payments,
94 contracts or taxes, but does not include an individual who:
95 a. Acts solely on behalf of a
96 professional sports team or organization; or
97 b. Is a licensed, registered or
98 certified professional and offers or provides services to a
99 student-athlete customarily provided by members of the profession,
100 unless the individual:
101 A. Also recruits or solicits the
102 student-athlete to enter into an agency contract;
103 B. Also, for compensation, procures
104 employment or offers, promises, attempts or negotiates to obtain
105 employment for the student-athlete as a professional athlete or
106 member of a professional sports team or organization; or
107 C. Receives consideration for
108 providing the services calculated using a different method than
109 for an individual who is not a student-athlete.

110 (c) "Athletic director" means an individual responsible
111 for administering the overall athletic program of an educational
112 institution or, if an educational institution has separately
113 administered athletic programs for male students and female
114 students, the athletic program for males or the athletic program
115 for females, as appropriate.



116 (d) "Contact" means a communication, direct or
117 indirect, written or oral, between an athlete agent and a
118 student-athlete, to recruit, induce or solicit the student-athlete
119 to enter into an agency contract.

120 (e) "Educational institution" includes a public or
121 private elementary school, secondary school, charter school,
122 technical or vocational school, community college, college and
123 university.

124 (* * * f) "Endorsement contract" means:

125 (i) An agreement under which a student-athlete is
126 employed or receives consideration to use on behalf of the other
127 party or anything of value * * * that the student-athlete may have
128 because of publicity, reputation, following, or fame obtained
129 because of the student-athlete's athletic ability or performance;
130 and

131 (ii) An agreement under which a student-athlete
132 receives compensation, consideration or anything of value for the
133 use of the student-athlete's name, image or likeness, which is
134 consistent with the provisions of the Mississippi Intercollegiate
135 Athletics Compensation Rights Act.

136 (g) "Enrolled" means registered for academic or
137 technical courses and attending athletics practice or classes.
138 The term "enrolls" shall have a corresponding meaning.

139 (* * * h) "Intercollegiate sport" means a sport played
140 at the collegiate level for which eligibility requirements for



141 participation by a student-athlete are established by a national
142 association * * * that promotes or regulates collegiate athletics.

143 (i) "Interscholastic sport" means a sport played
144 between educational institutions that are not community colleges,
145 colleges or universities.

146 (j) "Licensed, registered or certified professional"
147 means an individual licensed, registered or certified as an
148 attorney, dealer in securities, financial planner, insurance
149 agent, real estate broker or sales agent, tax consultant,
150 accountant, or member of a profession, other than that of athlete
151 agent, who is licensed, registered or certified by the state or a
152 nationally recognized organization that licenses, registers or
153 certifies members of the profession on the basis of experience,
154 education or testing.

155 (k) "Name, image and likeness agency contract" means an
156 agency contract between a student-athlete and an athlete agent,
157 entered into for the sole purpose of the athlete agent negotiating
158 or soliciting, on behalf of the student-athlete, compensation for
159 the use of student-athlete's name, image and likeness consistent
160 with the provisions of the Mississippi Intercollegiate Athletics
161 Compensation Rights Act. A name, image and likeness agency
162 contract, as defined in this paragraph, is not subject to the
163 agency requirements of Section 73-42-19.

164 (* * *1) "Person" means an individual, * * * estate,
165 business or nonprofit entity, public corporation, government or



166 governmental subdivision, agency or instrumentality, or other
167 legal entity.

168 (* * *m) "Professional-sports-services contract" means
169 an agreement under which an individual is employed as a
170 professional athlete or agrees to render services as a player on a
171 professional sports team, with a professional sports organization,
172 or as a professional athlete.

173 (* * *n) "Record" means information that is inscribed
174 on a tangible medium or that is stored in an electronic or other
175 medium and is retrievable in perceivable form.

176 (o) "Recruit or solicit" means an attempt by an athlete
177 agent to influence the choice of a student-athlete or, if the
178 student-athlete is a minor, a parent or guardian of the
179 student-athlete. The term does not include giving advice on the
180 selection of a particular agent in a family, coaching or social
181 situation, unless the individual giving such advice does so
182 because of the receipt or anticipated receipt of an economic
183 benefit, directly or indirectly from the agent.

184 (* * *p) "Registration" means registration as an
185 athlete agent pursuant to this * * * act.

186 (q) "Sign" means, with present intent to authenticate
187 or adopt a record to:

188 (i) Execute or adopt a tangible symbol; or

189 (ii) Attach to or logically associate with the
190 record, an electronic symbol, sound or process.



191 (* * *r) "State" means a state of the United States,
192 the District of Columbia, Puerto Rico, the United States Virgin
193 Islands, or any territory or insular possession subject to the
194 jurisdiction of the United States.

195 (* * *s) "Student-athlete" means an individual who is
196 eligible to attend an educational institution and engages in, is
197 eligible to engage in, or may be eligible in the future to engage
198 in * * * any interscholastic or intercollegiate sport * * *.

199 * * * The term does not include an individual who is permanently
200 ineligible to participate in a particular interscholastic or
201 intercollegiate sport for that sport.

202 **SECTION 2.** Section 73-42-7, Mississippi Code of 1972, is
203 amended as follows:

204 73-42-7. (1) Except as otherwise provided in subsection
205 (2), an individual may not act as an athlete agent in this state
206 before being issued a certificate of registration under * * * this
207 act.

208 (2) Before being issued a certificate of registration under
209 this act, an individual may * * * serve as an athlete agent for
210 all purposes except signing an agency contract if * * *:

211 (a) A student-athlete or another person acting on
212 behalf of the student-athlete initiates communication with such
213 individual; and

214 (b) Not later than seven (7) days after an initial act
215 that requires the individual to register as an athlete agent, the



216 individual submits an application * * * for registration as an
217 athlete agent in this state.

218 (3) An agency contract resulting from conduct in violation
219 of this section is void * * * and the athlete agent shall return
220 any consideration received under the contract * * *.

221 **SECTION 3.** Section 73-42-9, Mississippi Code of 1972, is
222 amended as follows:

223 73-42-9. (1) An applicant for registration as an athlete
224 agent shall submit an application for registration to the
225 Secretary of State * * * on a form prescribed by the Secretary of
226 State. * * * The applicant must be an individual, and the
227 application must be signed by the applicant under penalty of
228 perjury. The application must contain at least the following:

229 (a) The name, date and place of birth of the applicant
230 and the following contact information for the applicant:

231 (i) The address of the applicant's principal place
232 of business;

233 (ii) Work, home and mobile telephone numbers; and

234 (iii) Any means of electronic communication,
235 including facsimile, electronic-mail address, and personal and
236 business or employer websites;

237 (b) The name of the applicant's business or employer,
238 if applicable, including the mailing address, telephone number,
239 organization form and nature of the business for each such
240 business or employer;



241 (c) Each social media account with which the applicant
242 or applicant's business or employer is affiliated;

243 (* * *d) * * * Each business or occupation in which
244 the applicant was engaged * * * with five (5) years * * * before
245 the date of submission of the application, including
246 self-employment and employ by others, and any professional or
247 occupational license, registration or certification held by the
248 action during that time;

249 (* * *e) A description of the applicant's:

250 (i) Formal training as an athlete agent;

251 (ii) Practical experience as an athlete agent; and

252 (iii) Educational background relating to the
253 applicant's activities as an athlete agent;

254 * * *

255 (f) The name * * * each student-athlete for whom the
256 applicant * * * acted as an athlete agent * * * within five (5)
257 years * * * before the date of submission of the application or,
258 if the individual is a minor, the name of the minor's parent or
259 guardian, together with the student-athlete's sport and last-known
260 team of participation;

261 (g) The * * * name and address of each person who:

262 (i) * * * Is a partner, member, officer, manager,
263 associate or profit-sharer, or directly or indirectly holds an
264 equity interest of five percent (5%) or greater of the athlete
265 agent's business, if it is not a corporation; and



266 (ii) * * * Is an officer or director of a
267 corporation employing the athlete agent or a shareholder having an
268 interest of five percent (5%) or greater in the corporation;

269 (h) A description of the status of any application by
270 the applicant, or any person named under paragraph (g), for a
271 state or federal business, professional or occupational license,
272 other than that as an athlete agent, from a state or federal
273 agency, including any denial, refusal to renew, suspension,
274 withdrawal or termination of the license and any reprimand,
275 sanction or censure related to the license;

276 (* * * i) Whether the applicant or any other person
277 named pursuant to paragraph (g) has * * * pleaded guilty or no
278 contest to, has been convicted of, or has charges pending for, a
279 crime that would involve moral turpitude or be classified as a
280 felony committed in this state and, if so, identification of:

281 (i) The crime;

282 (ii) The law enforcement agency involved; and

283 (iii) If applicable, the date of the conviction
284 and the fine or penalty imposed;

285 (j) Whether, within fifteen (15) years before the date
286 of submission of the application, the applicant, or any person
287 named under paragraph (g), has been a defendant or respondent in a
288 civil proceeding, including a proceeding seeking adjudication of
289 legal incompetence and, if so, the date and a full explanation of
290 each proceeding;



291 (k) Whether the applicant, or any person named under
292 paragraph (g), has an unsatisfied judgment or a judgment of
293 continuing effect, including alimony or a domestic order in the
294 nature of child support, which is not current at the date of
295 submission of the application;

296 (l) Whether, within ten (10) years before the date of
297 submission of the application, the applicant, or any person named
298 under paragraph (g), was adjudicated bankrupt or was an owner of a
299 business that was adjudicated bankrupt;

300 (* * * m) Whether there has been any administrative or
301 judicial determination that the applicant or any other person
302 named pursuant to paragraph (g) has made a false, misleading,
303 deceptive or fraudulent representation;

304 (* * * n) * * * Each instance in which the conduct of
305 the applicant or any other person named pursuant to paragraph (g)
306 resulted in the imposition of a sanction, suspension or
307 declaration of ineligibility to participate in an
308 interscholastic * * *, intercollegiate or professional athletic
309 event on a student-athlete or a sanction on an educational
310 institution;

311 (* * * o) * * * Each sanction, suspension or
312 disciplinary action taken against the applicant or any other
313 person named pursuant to paragraph (g) arising out of occupational
314 or professional conduct;



315 (* * *p) Whether there has been any denial of an
316 application for, suspension or revocation of, * * * refusal to
317 renew, * * * or abandonment of, the registration * * * of the
318 applicant or any other person named pursuant to paragraph (g) as
319 an athlete agent in any state;

320 * * *

321 (* * *q) * * * Each state in which the applicant is
322 currently * * * registered as an athlete agent * * * or has
323 applied to be registered as an athlete agent; and

324 * * *

325 (r) If the applicant is certified or registered by a
326 professional league or players' association:

327 (i) The name of the league or association;

328 (ii) The date of certification or registration and
329 the date of expiration of the certification or registration, if
330 any; and

331 (iii) If applicable, the date of anu denial of an
332 application for, suspension or revocation of, refusal to renew,
333 withdrawal of, or termination of, the certification or
334 registration, or any reprimand, sanction or censure related to the
335 certification or registration; and

336 (s) Any additional information required by the
337 Secretary of State.

338 (2) * * * Instead of proceeding under subsection (1), an
339 individual registered as an athlete agent in another state may



340 apply for registration as an athlete agent in this state by
341 submitting the following to the Secretary of State:

342 (a) * * * A copy of the application for registration
343 from the other state;

344 (b) * * * A statement that identifies any material
345 change in the information on the application or verifies there is
346 no material change in the information, signed under penalty of
347 perjury; and

348 (c) * * * A copy of the certificate of registration
349 from the other state.

350 (3) * * * The Secretary of State shall issue a certificate
351 of registration to an individual who applies for registration
352 under subsection (2) if the Secretary of State determines:

353 (a) * * * The application or registration requirements
354 of the other state are substantially similar to or more
355 restrictive than the provisions required under this act; and

356 (b) * * * The registration has not been revoked or
357 suspended and no action involving the individual's conduct as an
358 athlete agent is pending against the individual or the
359 individual's registration in any state;

360 * * *

361 (4) For purposes of implementing subsection (3), the
362 Secretary of State shall:

363 (a) Cooperate with national organizations concerned
364 with athlete agent issues and agencies in other states which



365 register athlete agents to develop a common registration form and
366 determine which states have laws that are substantially similar to
367 or more restrictive than the provisions required under this act;
368 and

369 (b) Exchange information, including information related
370 to actions taken against registered athlete agents or their
371 registrations, with those organizations and agencies.

372 **SECTION 4.** Section 73-42-11, Mississippi Code of 1972, is
373 amended as follows:

374 73-42-11. (1) Except as otherwise provided in subsection
375 (3), the Secretary of State shall issue a certificate of
376 registration to an * * * applicant for registration who complies
377 with Section 73-42-9(1).

378 * * *

379 (* * *2) The Secretary of State may refuse to issue a
380 certificate of registration to an application for registration
381 under Section 73-42-9(1) if * * * the Secretary of State
382 determines that the applicant has engaged in conduct that * * *
383 adversely reflects on the applicant's fitness to * * * act as an
384 athlete agent. In making the determination, the Secretary of
385 State may consider whether the applicant has:

386 (a) Pleaded guilty or no contest to, has been convicted
387 of, or has charges pending for, a crime * * * would involve moral
388 turpitude or be a felony * * * if committed in this state;



389 (b) Made a materially false, misleading, deceptive or
390 fraudulent representation as an athlete agent or in the
391 application;

392 (c) Engaged in conduct that would disqualify the
393 applicant from serving in a fiduciary capacity;

394 (d) Engaged in conduct prohibited by Section 73-42-27;

395 (e) Had a registration * * * as an athlete agent
396 suspended, revoked * * * or denied * * * in any state;

397 (f) Been refused renewal of registration as an athlete
398 agent in any state;

399 (* * *g) Engaged in conduct * * * resulting in the
400 imposition of a sanction, suspension or declaration of
401 ineligibility to participate in an interscholastic * * *,
402 intercollegiate or professional athletic event * * * on a
403 student-athlete or as sanction on an educational institution; or

404 (* * *h) Engaged in conduct that * * * adversely
405 reflects on the applicant's * * * credibility, honesty and
406 integrity.

407 (* * *3) In making a determination under subsection
408 (* * *2), the Secretary of State shall consider:

409 (a) How recently the conduct occurred;

410 (b) The nature of the conduct and the context in which
411 it occurred; and

412 (c) Any other relevant conduct of the applicant.



413 (* * *4) An athlete agent registered under subsection (1)
414 may apply to renew * * * the registration by submitting an
415 application for renewal * * * on a form prescribed by the
416 Secretary of State. * * * The applicant shall sign the
417 application for renewal * * * under penalty of perjury and * * *
418 include current information on all matters required in an original
419 application for registration.

420 (* * *5) * * * An athlete agent registered under Section
421 73-42-9(4) may renew the registration by proceeding under
422 subsection (4) of this section or, if the registration in the
423 other state has been renewed, by submitting to the Secretary of
424 State copies of the application for renewal in the other state and
425 the renewed registration from the other state. The Secretary of
426 State shall renew the registration if he or she determines:

427 (a) * * * The registration requirements of the other
428 state are substantially similar to or more restrictive than the
429 provisions required under this act; and

430 (b) * * * The renewed registration has not been
431 suspended or revoked and no action involving the individual's
432 conduct as an athlete agent is pending against the individual or
433 the individual's registration in any state.

434 * * *

435 (* * *6) Except as provided in Section 33-1-39, a
436 certificate of registration or a renewal of a registration is
437 valid for two (2) years.



438 **SECTION 5.** Section 73-42-13, Mississippi Code of 1972, is
439 amended as follows:

440 73-42-13. (1) * * * The Secretary of State may * * * limit,
441 suspend, revoke or refuse to renew a registration of an individual
442 registered under Section 73-42-11(1) for conduct that would have
443 justified * * * refusal to issue a certificate of registration
444 under Section 73-42-11(2).

445 (2) The Secretary of State may suspend or revoke the
446 registration of an individual registered under Section 73-42-11(1)
447 or renewed under Section 73-42-11(4) for any reason for which the
448 Secretary of State could have refused to grant or renew
449 registration or for conduct that would justify refusal to issue a
450 certificate of registration under Section 73-42-11(2).

451 * * *

452 **SECTION 6.** Section 73-42-17, Mississippi Code of 1972, is
453 amended as follows:

454 73-42-17. * * * An application for registration or renewal
455 of registration must be accompanied by a fee in the following
456 amount:

457 (a) Two Hundred Dollars (\$200.00) for an initial
458 application for registration.

459 (b) Two Hundred Dollars (\$200.00) for an application
460 for registration based upon a certificate of registration or
461 licensure issued by another state.



462 (c) Two Hundred Dollars (\$200.00) for an application
463 for renewal of registration.

464 (d) Two Hundred Dollars (\$200.00) for an application
465 for renewal of registration based upon an application for renewal
466 of registration or licensure submitted in another state.

467 * * *

468 **SECTION 7.** Section 73-42-19, Mississippi Code of 1972, is
469 amended as follows:

470 73-42-19. (1) An agency contract must be in a record,
471 signed by the parties.

472 (2) An agency contract must * * * contain:

473 (a) A statement that the athlete agent is registered as
474 an athlete agent in this state and a list of any other states in
475 which the agent is registered as an athlete agent;

476 (* * * b) The amount and method of calculating the
477 consideration to be paid by the student-athlete for services to be
478 provided by the * * * agent under the contract and any other
479 consideration * * * the * * * agent has received or will receive
480 from any other source for entering into the contract or for
481 providing the services;

482 (* * * c) The name of any person not listed in the
483 agent's application for registration or renewal of registration
484 who will be compensated because the student-athlete signed the
485 * * * contract;



486 (* * *d) A description of any expenses that the
487 student-athlete agrees to reimburse;

488 (* * *e) A description of the services to be provided
489 to the student-athlete;

490 (* * *f) The duration of the contract; and

491 (* * *g) The date of execution.

492 (3) Subject to subsection (7), an agency contract must
493 contain * * * a conspicuous notice in boldface type and in * * *
494 substantially the following form:

495 **WARNING TO STUDENT-ATHLETE**

496 **IF YOU SIGN THIS CONTRACT:**

497 (1) **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A**
498 **STUDENT-ATHLETE IN YOUR SPORT;**

499 (2) * * * **IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN**
500 **72 HOURS AFTER * * * SIGNING THIS CONTRACT OR BEFORE THE**
501 **NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE,**
502 **WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT**
503 **MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED**
504 **INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT**
505 **INFORMATION OF THE ATHLETE AGENT; AND**

506 (3) **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS**
507 **AFTER SIGNING IT. CANCELLATION OF * * * THIS CONTRACT**
508 **MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE**
509 **IN YOUR SPORT.**



510 (4) * * * An agency contract must be accompanied by a
511 separate record signed by the student-athlete or, if the
512 student-athlete is a minor, the parent or guardian of the minor
513 student-athlete, acknowledging that signing the contract may
514 result in the loss of the student-athlete's eligibility to
515 participate in the student-athlete's sport.

516 (5) * * * A student-athlete or, if the student-athlete is a
517 minor, the parent or guardian of the minor student-athlete, may
518 void an agency contract that does not conform to the requirements
519 of this section. If the contract is voided, any consideration
520 received from the athlete agent under the contract to induce
521 entering into the contract is not required to be returned.

522 (6) At the time an agency contract is executed, the athlete
523 agent shall give the student athlete or, if the student-athlete is
524 a minor, the parent or guardian of the minor student-athlete, a
525 copy of a record of the contract and the separate acknowledgment
526 agreement required by subsection (4).

527 (7) If a student-athlete is a minor, an agency contract must
528 be signed by the parent or guardian of the minor student-athlete,
529 and the notice required by subsection (3) must be revised
530 accordingly.

531 **SECTION 8.** Section 73-42-21, Mississippi Code of 1972, is
532 amended as follows:

533 73-42-21. (1) * * * As used in this section "communicating
534 or attempting to communicate" means contacting or attempting to



535 contact by an in-person meeting, a record, or any other method
536 that conveys or attempts to convey a message.

537 * * *

538 (2) * * * Not later than seventy-two (72) hours after
539 entering into an agency contract or before the next scheduled
540 athletic event in which the student-athlete may participate,
541 whichever occurs first, the athlete agent shall give notice in a
542 record of the existence of the * * * contract to the athletic
543 director of the educational institution at which the
544 student-athlete is enrolled or at which the * * * agent has
545 reasonable grounds to believe the student-athlete intends to
546 enroll.

547 (3) * * * Not later than seventy-two (72) hours after
548 entering into an agency contract or before the next scheduled
549 athletic event in which the student-athlete may participate,
550 whichever occurs first, the student-athlete shall inform the
551 athletic director of the educational institution at which the
552 student-athlete is enrolled that * * * the student-athlete has
553 entered into an agency contract, and the name and contact
554 information of the athlete agent.

555 (4) If an athlete agent enters into an agency contract with
556 a student-athlete and the student-athlete subsequently enrolls at
557 an educational institution, the agent shall notify the athletic
558 director of the institution of the existence of the contract not



559 less than seventy-two (72) hours after the agent knew or should
560 have known the student-athlete enrolled.

561 (5) If an athlete agent has a relationship with a
562 student-athlete before the student-athlete enrolls in an
563 educational institution and receives an athletic scholarship from
564 the institution, the agent shall notify the institution of the
565 relationship not later than ten (10) days after the enrollment if
566 the agent knows or should have known of the student-athlete's
567 enrollment, and:

568 (a) The relationship was motivated, in whole or in
569 part, by the intention of the agent to recruit or solicit the
570 student-athlete to enter an agency contract in the future; or

571 (b) The agent directly or indirectly recruited or
572 solicited the student-athlete to enter an agency contract before
573 the enrollment.

574 (6) An athlete agent shall give notice in a record to the
575 athletic director of any educational institution or to an athletic
576 director for compliance at any educational institution at which a
577 student-athlete is enrolled before the agent communicates or
578 attempts to communicate with:

579 (a) The student-athlete or, if the student-athlete is a
580 minor, the parent or guardian of the minor student-athlete, to
581 influence the student-athlete or parent or guardian to enter into
582 an agency contract; or



583 (b) Another individual, to have that individual
584 influence the student-athlete or, if the student-athlete is a
585 minor, the parent or guardian of the minor student-athlete, to
586 influence the student-athlete or parent or guardian to enter into
587 an agency contract.

588 (7) If a communication or attempt to communicate with an
589 athlete agent is initiated by the student-athlete or another
590 individual on behalf of the student-athlete, the agent shall
591 notify in a record the athletic director or any educational
592 institution at which the student-athlete is enrolled. The
593 notification must be made not less than ten (10) days after the
594 communication or attempt to communicate was first made.

595 (8) An educational institution that becomes aware of a
596 violation of this act by an athlete agent shall notify the
597 Secretary of State and any professional league or players'
598 association, with whom the institution is aware that the agent is
599 licensed or registered, of the violation.

600 **SECTION 9.** Section 73-42-23, Mississippi Code of 1972, is
601 amended as follows:

602 73-42-23. (1) A student-athlete or, if the student-athlete
603 is a minor, the parent or guardian of the minor student-athlete,
604 may cancel an agency contract by giving notice in a record to the
605 athlete agent of the cancellation * * * not later than fourteen
606 (14) days after the date the contract is signed.



607 (2) A student-athlete or, if the student-athlete is a minor,
608 the parent or guardian of the minor student-athlete, may not waive
609 the right to cancel any agency contract.

610 (3) If a student-athlete or parent or guardian of a minor
611 student-athlete cancels an agency contract, the student-athlete or
612 parent or guardian of a minor student-athlete is not required to
613 pay any consideration under the contract or to return any
614 consideration received from the athlete agent to induce the
615 student-athlete to enter into the contract.

616 **SECTION 10.** Section 73-42-27, Mississippi Code of 1972, is
617 amended as follows:

618 73-42-27. (1) An athlete agent * * * shall not * * *:

619 (a) Give a student-athlete or the parent or guardian of
620 a minor student-athlete * * * materially false or misleading
621 information or make a materially false promise or representation
622 with the intent to influence the student-athlete or parent or
623 guardian of a minor student-athlete into an agency contract;

624 (b) Furnish anything of value to a
625 student-athlete * * * or another individual, if to do so may
626 result in the loss of the student-athlete's eligibility to
627 participate in the student-athlete's sport, unless:

628 (i) The agent notifies the athletic director of
629 the educational institution at which the student-athlete is
630 enrolled or at which the agent has reasonable grounds to believe



631 the student-athlete intends to enroll not later than seventy-two
632 (72) hours after giving the thing of value; and

633 (ii) The student-athlete or, if the
634 student-athlete is a minor, the parent or guardian of the minor
635 student-athlete, acknowledges to the agent in a record that
636 receipt of the thing of value may result in the loss of the
637 student-athlete's eligibility to participate in the
638 student-athlete's sport;

639 * * *

640 (* * *c) Initiate contact, directly or indirectly,
641 with a student-athlete or, if the student-athlete is a minor, the
642 parent or guardian of the minor student-athlete, to recruit or
643 solicit the student-athlete or the parent or guardian of a minor
644 student-athlete to enter an agency contract unless registered
645 under this * * * act;

646 (* * *d) * * * Fail to create, retain or permit
647 inspection of the records required by * * * this act;

648 (* * *e) * * * Fail to register as required by this
649 act;

650 (* * *f) Provide materially false or misleading
651 information in an application for registration or renewal of
652 registration;

653 (* * *g) Predate or postdate an agency contract;

654 * * *



655 (* * *h) Fail to notify a student-athlete or, if the
656 student-athlete is a minor, the parent or guardian of the minor
657 student-athlete, before the student-athlete or parent or guardian
658 of a minor student-athlete * * * for a particular sport that the
659 signing * * * may make the student-athlete ineligible to
660 participate as a student-athlete in that sport * * *;

661 (i) Encourage another individual to do any of the acts
662 described in paragraphs (a) through (h) on behalf of the agent; or

663 (j) Encourage another individual to assist any other
664 individual in doing any of the acts described in paragraphs (a)
665 through (h) on behalf of the agent.

666 (2) (a) As used in this subsection, "certified athlete
667 agent" means an athlete agent registered under the provisions of
668 this act who is certified to be an athlete agent in a particular
669 sport by a national association that promotes or regulates
670 intercollegiate athletics and establishes eligibility standards
671 for participation by a student-athlete in that sport.

672 (b) A certified athlete agent may pay expenses of a
673 student-athlete and the student-athlete's family members incurred
674 before the signing of an agency contract if:

675 (i) The expenses are for the benefit of a
676 student-athlete who is a member of a class of student-athletes
677 authorized to receive the benefit by the national association that
678 certified the agent;



679 (ii) The expenses are not of a type authorized to
680 be paid by a certified agent by the national association that
681 certified the agent; and

682 (iii) The expenses are for a purpose authorized by
683 the national association that certified the agent.

684 (c) All certified athlete agents who pay any expenses
685 authorized by this subsection must file an itemized report of the
686 same with the athletic director or their designee of the
687 educational institution the student-athlete attends or intends to
688 enroll. Such report must be submitted by the fifth day of the
689 month following the month that the expenses were incurred. The
690 reporting of expenses shall be in a format required by the
691 educational institution.

692 **SECTION 11.** Section 73-42-31, Mississippi Code of 1972, is
693 amended as follows:

694 73-42-31. (1) An educational institution * * * or
695 student-athlete may bring an action for damages against the
696 athlete agent of the institution or student-athlete is adversely
697 affected by an act or omission of the agents in violation of this
698 act. An educational institution or student-athlete is adversely
699 affected by an act or omission of the agent only if, because of
700 the act or omission, the institution or an individual who was a
701 student-athlete at the time of the act or omission and was
702 enrolled in the institution:



703 (a) Is suspended or disqualified from participation in
704 an interscholastic or intercollegiate sports event by or under the
705 rules of a state or national federation or association that
706 promotes or regulates interscholastic or intercollegiate sports;
707 or

708 (b) Suffers financial damage.

709 (2) * * * A plaintiff who prevails in an action under this
710 section may recover treble damages, punitive damages, costs and
711 reasonable attorney's fees. An athlete agent found liable under
712 this section forfeits any right of payment for anything of benefit
713 or value provided to the student-athlete, and shall refund any
714 consideration paid to the agent by or on behalf of the
715 student-athlete.

716 (3) * * * A violation of this act is deemed an unfair trade
717 or deceptive practice for purposes of Section 75-24-5.

718 * * *

719 **SECTION 12.** Section 73-42-33, Mississippi Code of 1972, is
720 amended as follows:

721 73-42-33. The Secretary of State may assess a civil penalty
722 against an athlete agent not to exceed * * * Fifty Thousand
723 Dollars (\$50,000.00) for a violation of this * * * act.

724 **SECTION 13.** Section 73-42-34, Mississippi Code of 1972, is
725 amended as follows:

726 73-42-34. (1) If the Secretary of State determines that a
727 person has engaged in or is engaging in an act, practice, or



728 course of business constituting a violation of this * * * act or a
729 rule adopted or order issued under this * * * act, or that a
730 person has materially aided or is materially aiding in an act,
731 practice, or course of business constituting a violation of
732 this * * * act or a rule adopted or order issued under this * * *
733 act, then the secretary may:

734 (a) Issue an order directing the person to cease and
735 desist from engaging in the act, practice, or course of business,
736 or to take other action necessary or appropriate to comply with
737 this * * * act or any rule adopted or order issued under
738 this * * * act;

739 (b) Issue an order imposing an administrative penalty
740 against an athlete agent who violated any provision of this * * *
741 act or any rule adopted or order issued under this * * * act; and

742 (c) Take any other action authorized under the
743 provisions of this * * * act.

744 (2) An order issued under subsection (1) of this section is
745 effective on the date of its issuance. Upon the order's issuance,
746 the Secretary of State shall promptly serve each person subject to
747 the order with a copy of the order and a notice that the order has
748 been entered. The order must include a statement of any civil
749 penalty or other administrative remedy to be imposed under
750 subsection (1) of this section, a statement of the costs of
751 investigation that the secretary will seek to recover, a statement
752 of the reasons for the order, and a statement notifying the person



753 of his or her right to a hearing * * *. If a person subject to
754 the order does not request a hearing in writing within thirty (30)
755 days of the date of the order and none is ordered by the hearing
756 officer, then the order, including the imposition of a civil
757 penalty or requirement for payment of the costs of investigation,
758 shall become final as to that person by operation of law.

759 (3) In a final order, the secretary may charge the actual
760 cost of an investigation or proceeding for a violation of
761 this * * * act or a rule adopted or order issued under this * * *
762 act.

763 (4) If a petition for judicial review of a final order is
764 not filed in accordance with this section * * *, or the petition
765 is denied by the court, the secretary may file a certified copy of
766 the final order with the clerk of a court in the jurisdiction
767 where enforcement will be sought. The order so filed has the same
768 effect as a judgment of the court and may be recorded, enforced,
769 or satisfied in the same manner as a judgment of the court.

770 (5) If a person does not comply with an order issued under
771 this section, the secretary may petition a court of competent
772 jurisdiction to enforce the order and collect administrative civil
773 penalties and costs imposed under the final order. The court may
774 not require the secretary to post a bond in an action or
775 proceeding under this section. If the court finds, after service
776 and opportunity for hearing, that the person did not comply with
777 the order, the court may adjudge the person in civil contempt of



778 the order. The court may grant any relief the court determines is
779 just and proper in the circumstances.

780 (6) Any person aggrieved by a final order of the secretary
781 may obtain a review of the order in the circuit court of the
782 county of residence of the athlete agent, * * * if the athlete
783 agent is a Mississippi resident or the circuit court of the county
784 in which the educational institution that the student-athlete
785 attends or attended is located, by filing within thirty (30) days
786 after the entry of the order, a written petition praying that the
787 order be modified or set aside, in whole or in part. A copy of
788 the petition shall be served upon the secretary, and the secretary
789 shall certify and file with the court a copy of the record and
790 evidence upon which the order was entered. When these have been
791 filed, the court has exclusive jurisdiction to affirm, modify,
792 enforce or set aside the order, in whole or in part. The findings
793 of the secretary as to the facts, if supported by competent
794 material and substantial evidence, are conclusive. The beginning
795 of proceedings under this subsection does not operate as a stay of
796 the secretary's order, unless specifically ordered by the court.

797 (7) In addition to the reasons specified in this section,
798 the Secretary of State is authorized to suspend the registration
799 of any person for being out of compliance with an order of
800 support, as defined in Section 93-11-153. The procedure for
801 suspension of a registration for being out of compliance with an
802 order for support, and the procedure for reissuance or



803 reinstatement of a registration suspended for that purpose, and
804 the payment of any fees for the reissuance or reinstatement of a
805 registration suspended for that purpose, shall be governed by
806 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
807 by the Secretary of State in suspending the registration of a
808 person when required by Section 93-11-157 are not actions from
809 which an appeal may be taken under this section. Any appeal of a
810 registration suspension that is required by Section 93-11-157 or
811 93-11-163 shall be taken in accordance with the appeal procedure
812 specified in Section 93-11-157 or 93-11-163, as the case may be,
813 rather than the procedure specified in this section. If there is
814 any conflict between any provision of Section 93-11-157 or
815 93-11-163 and any provision of this act, the provision of Section
816 93-11-157 or 93-11-163, as the case may be, shall control.

817 **SECTION 14.** The following shall be codified as Section
818 73-42-41, Mississippi Code of 1972:

819 73-42-41. Nothing contained in this act shall be interpreted
820 or construed to limit, in any way, the right of Mississippi
821 educational institutions to adopt and enforce their own policies,
822 rules or regulations addressing athlete agent solicitations or
823 interactions with the student-athletes attending their
824 institutions.

825 **SECTION 15.** Section 73-42-1, Mississippi Code of 1972, is
826 brought forward as follows:



827 73-42-1. This chapter may be cited as the "Uniform Athlete
828 Agents Act."

829 **SECTION 16.** Section 73-42-5, Mississippi Code of 1972, is
830 brought forward as follows:

831 73-42-5. (1) The Secretary of State shall administer this
832 chapter.

833 (2) By engaging in the business of an athlete agent in this
834 state, a nonresident individual appoints the Secretary of State as
835 the individual's agent to accept service of process in any civil
836 action related to the individual's business as an athlete agent in
837 this state.

838 (3) The Secretary of State may:

839 (a) Conduct public or private investigations within or
840 outside of this state which he considers necessary or appropriate
841 to determine whether a person has violated, is violating, or is
842 about to violate any provision of this chapter or a rule adopted
843 under this chapter, or to aid in the enforcement of this chapter
844 or in the adoption of rules and forms under this chapter;

845 (b) Require or permit a person to testify, file a
846 statement, or produce a record, under oath or otherwise as he may
847 determine, as to all facts and circumstances concerning a matter
848 to be investigated or about which an action or proceeding is to be
849 instituted; and

850 (c) Publish a record concerning an action, proceeding,
851 or an investigation under, or a violation of, this chapter or a



852 rule adopted under this chapter if he determines it is necessary
853 or appropriate in the public interest.

854 (4) For the purpose of an investigation under this chapter,
855 the Secretary of State or his designated officer may administer
856 oaths and affirmations, subpoena witnesses, seek compulsion of
857 attendance, take evidence, require the filing of statements, and
858 require the production of any records that the Secretary of State
859 considers relevant or material to the investigation.

860 **SECTION 17.** Section 73-42-15, Mississippi Code of 1972, is
861 brought forward as follows:

862 73-42-15. The Secretary of State may issue a temporary
863 certificate of registration while an application for registration
864 or renewal is pending.

865 **SECTION 18.** Section 73-42-25, Mississippi Code of 1972, is
866 brought forward as follows:

867 73-42-25. (1) An athlete agent shall retain the following
868 records for a period of five (5) years:

869 (a) The name and address of each individual represented
870 by the athlete agent;

871 (b) Any agency contract entered into by the athlete
872 agent; and

873 (c) Any direct costs incurred by the athlete agent in
874 the recruitment or solicitation of a student-athlete.



875 (2) Records required by subsection (1) to be retained are
876 open to inspection by the Secretary of State during normal
877 business hours.

878 **SECTION 19.** Section 73-42-29, Mississippi Code of 1972, is
879 brought forward as follows:

880 73-42-29. The commission of any act prohibited by Section
881 73-42-27 by an athlete agent is a felony punishable by a fine of
882 not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment
883 for not more than two (2) years, or both.

884 **SECTION 20.** Section 73-42-35, Mississippi Code of 1972, is
885 brought forward as follows:

886 73-42-35. In applying and construing this uniform act,
887 consideration must be given to the need to promote uniformity of
888 the law with respect to its subject matter among states that enact
889 it.

890 **SECTION 21.** Section 73-42-37, Mississippi Code of 1972, is
891 brought forward as follows:

892 73-42-37. The provisions of this chapter modify, limit and
893 supersede the federal Electronic Signatures in Global and National
894 Commerce Act, 15 USCS Section 7001, et seq., except that those
895 provisions do not modify, limit, or supersede Section 101(c) of
896 that act, 15 USCS Section 7001(c), and do not authorize electronic
897 delivery of any of the notices described in Section 103(b) of that
898 act, 15 USCS Section 7003(b).



899 **SECTION 22.** Section 73-42-39, Mississippi Code of 1972, is
900 brought forward as follows:

901 73-42-39. The Secretary of State may promulgate rules and
902 regulations necessary to administer, carry out and enforce this
903 chapter and to define terms whether or not used in this chapter,
904 but those definitions may not be inconsistent with this chapter.

905 **SECTION 23.** Section 37-97-101, Mississippi Code of 1972, is
906 brought forward as follows:

907 37-97-101. This article shall be known and may be cited as
908 the "Mississippi Intercollegiate Athletics Compensation Rights
909 Act."

910 **SECTION 24.** Section 37-97-103, Mississippi Code of 1972, is
911 brought forward as follows:

912 37-97-103. (1) As used in this article, the following terms
913 shall have the following meanings unless the context clearly
914 indicates otherwise:

915 (a) "Compensation" means anything of value, monetary or
916 otherwise, including, but not limited to, cash, gifts, in-kind
917 items of value, social media compensation, payments for licensing
918 or use of publicity rights, payments for other intellectual or
919 intangible property rights under federal or state law, and any
920 other form of payment or remuneration, except as excluded under
921 this article.

922 For the purposes of this article, "compensation" shall not
923 mean or include the following:



924 (i) Tuition, room, board, books, fees and personal
925 expenses that a postsecondary educational institution provides a
926 student-athlete in accordance with the rules of the athletic
927 association or conference of which the postsecondary educational
928 institution is a member;

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

933 (iii) Any other financial aid, benefits or awards
934 that a postsecondary educational institution provides a
935 student-athlete in accordance with the rules of the athletic
936 association or conference of which the postsecondary educational
937 institution is a member; or

938 (iv) The payment of wages and benefits to a
939 student-athlete for work actually performed (but not for athletic
940 ability or participation in intercollegiate athletics) at a rate
941 commensurate with the prevailing rate for similar work in the
942 locality of the student-athlete's postsecondary educational
943 institution.

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

945 (c) "Intercollegiate athletics program" means an
946 intercollegiate athletics program played at the collegiate level
947 for which eligibility requirements for participation by a



948 student-athlete are established by a national association for the
949 promotion or regulation of collegiate athletics.

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

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

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

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

960 (i) Licensed under a name, image, and likeness
961 agreement; or

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

965 (h) "Postsecondary educational institution" means a
966 public university or community college or private university or
967 college.

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



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

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

986 **SECTION 25.** Section 37-97-105, Mississippi Code of 1972, is
987 brought forward as follows:

988 37-97-105. (1) Except as provided in Section 37-97-107, a
989 student-athlete may:

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

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



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

998 (3) Notwithstanding any other provision of applicable law or
999 agreement to the contrary, a student-athlete shall not be deemed
1000 an employee or independent contractor of an association, a
1001 conference, or a postsecondary educational institution based on
1002 the student-athlete's participation in an intercollegiate
1003 athletics program.

1004 **SECTION 26.** Section 37-97-107, Mississippi Code of 1972, is
1005 brought forward as follows:

1006 37-97-107. (1) Except as provided for under this article, a
1007 postsecondary educational institution shall not uphold any
1008 contract, rule, regulation, standard or other requirement that
1009 prevents a student-athlete of that institution from earning
1010 compensation as a result of the use of the student's name, image,
1011 or likeness. Any such contract, rule, regulation standard or
1012 other requirement shall be void and unenforceable against the
1013 postsecondary educational institution or the student-athlete.
1014 Compensation from the use of a student-athlete's name, image, or
1015 likeness may not affect the student-athlete's scholarship
1016 eligibility, grant-in-aid or other financial aid, awards or
1017 benefits, or the student-athlete's intercollegiate athletic
1018 eligibility. Nothing in this article is intended to alter any



1019 state and federal laws or regulations regarding the award of
1020 financial aid at postsecondary educational institutions.

1021 (2) Except as provided for in this article, an athletic
1022 association, conference or other group or organization with
1023 authority over intercollegiate athletic programs, including, but
1024 not limited to, the National Collegiate Athletic Association
1025 (NCAA) and the National Junior College Athletic Association
1026 (NJCAA), shall not prevent, or otherwise enforce a contract, rule,
1027 regulation, standard or other requirement that prevents, a
1028 student-athlete of a postsecondary educational institution from
1029 earning compensation as a result of the use of the
1030 student-athlete's name, image or likeness.

1031 (3) To protect the integrity of its educational mission and
1032 intercollegiate athletics program, a postsecondary educational
1033 institution may impose reasonable limitations on the dates and
1034 time that a student-athlete may participate in endorsement,
1035 promotional, social media or other activities related to the
1036 license or use of the student-athlete's name, image and likeness.
1037 Nothing in this article shall restrict a postsecondary educational
1038 institution from exercising its sole discretion to control the
1039 authorized use of its marks or logos or to determine a
1040 student-athlete's apparel, gear or other wearables during an
1041 intercollegiate athletics competition or institution-sponsored
1042 event. A student-athlete may not receive or enter into a contract
1043 for compensation for the use of his or her name, image or likeness



1044 in a way that also uses any registered or licensed marks, logos,
1045 verbiage or designs of a postsecondary institution, unless the
1046 institution has provided the student-athlete with written
1047 permission to do so prior to execution of the contract or receipt
1048 of compensation. If permission is granted, the postsecondary
1049 educational institution, by agreement of all parties, may be
1050 compensated for the use in a manner consistent with market rates.
1051 A postsecondary educational institution may also prohibit a
1052 student-athlete from wearing any item of clothing, shoes, or other
1053 gear or wearables with the name, logo or insignia of any entity
1054 during an intercollegiate athletics competition or
1055 institution-sponsored event.

1056 (4) An athletic association, conference or other group or
1057 organization with authority over intercollegiate athletics
1058 programs, including, but not limited to, the National Collegiate
1059 Athletic Association and the National Junior College Athletic
1060 Association, shall not enforce a contract, rule, regulation,
1061 standard or other requirement that prevents a postsecondary
1062 educational institution from participating in an intercollegiate
1063 athletics program as a result of the compensation of a
1064 student-athlete for the use of the student-athlete's name, image
1065 or likeness.

1066 (5) A postsecondary educational institution, athletic
1067 association, conference or other group or organization with
1068 authority over intercollegiate athletics programs, including, but



1069 not limited to, the National Collegiate Athletic Association and
1070 the National Junior College Athletic Association, shall not,
1071 directly or indirectly:

1072 (a) Enter into, or offer to enter into, a name, image
1073 and likeness agreement with a prospective or current
1074 student-athlete; or

1075 (b) Provide a prospective or current student-athlete or
1076 the student-athlete's family compensation in relation to the use
1077 of the student-athlete's name, image or likeness.

1078 (6) A postsecondary educational institution, athletic
1079 association, conference or other group or organization with
1080 authority over intercollegiate athletics programs, including, but
1081 not limited to, the National Collegiate Athletic Association and
1082 the National Junior College Athletic Association shall not prevent
1083 a student-athlete from obtaining professional representation in
1084 relation to name, image or likeness, or to secure a name, image
1085 and likeness agreement, including, but not limited to,
1086 representation provided by athlete agents or legal representation
1087 provided by attorneys. A student-athlete shall provide the
1088 postsecondary educational institution with written notice at least
1089 seven (7) days prior to entering into a representation agreement
1090 with any individual for the purpose of exploring or securing
1091 compensation for use of the student-athlete's name, image or
1092 likeness.



1093 (7) Professional representation obtained by student-athletes
1094 must be from persons registered as athlete agents as provided in
1095 Section 73-42-1 et seq. of the Uniform Athlete Agent Act.

1096 Attorneys who provide legal representation to student-athletes
1097 must be licensed to practice law in the State of Mississippi and
1098 in good standing with The Mississippi Bar.

1099 (8) Athlete agents representing student-athletes shall
1100 comply with the Uniform Athlete Agents Act, Section 73-42-1 et
1101 seq., Mississippi Code of 1972, and the federal Sports Agent
1102 Responsibility and Trust Act in 15 USC Sections 7801-7807 in their
1103 relationships with student-athletes.

1104 (9) A grant-in-aid, including cost of attendance, and other
1105 permissible financial aid, awards or benefits from the
1106 postsecondary educational institution in which a student-athlete
1107 is enrolled shall not be revoked, reduced, nor the terms and
1108 conditions altered, as a result of a student-athlete earning
1109 compensation or obtaining professional or legal representation
1110 pursuant to this article.

1111 (10) Before any contract for compensation for the use of a
1112 student-athlete's name, image or likeness is executed, and before
1113 any compensation is provided to the student-athlete in advance of
1114 a contract, the student-athlete shall disclose the contract to a
1115 designated official of the postsecondary educational institution
1116 in which the student is enrolled in a manner prescribed by the
1117 institution.



1118 (11) A third-party licensee may not enter into, or offer to
1119 enter into, a name, image and likeness agreement with a
1120 student-athlete or otherwise compensate a student-athlete for the
1121 use of the student-athlete's name, image and likeness rights if a
1122 provision of the name, image and likeness agreement or the use of
1123 the student-athlete's name, image and likeness rights conflicts
1124 with a provision of a contract, rule, regulation, standard or
1125 other requirement of the postsecondary educational institution
1126 unless such contract or use is expressly approved in writing by
1127 the postsecondary educational institution.

1128 (12) No postsecondary educational institution, booster,
1129 third-party licensee or any other individual or entity shall
1130 provide a prospective or current student-athlete compensation or
1131 enter into a name, image and likeness agreement as an inducement
1132 for the student-athlete to attend or enroll in a specific
1133 institution or group of institutions. Compensation for a
1134 student-athlete's name, image, or likeness may not be conditioned
1135 on athletic performance or attendance at a particular
1136 postsecondary educational institution.

1137 (13) No student-athlete shall enter into a name, image, and
1138 likeness agreement or receive compensation from a third-party
1139 licensee relating to the name, image or likeness of the
1140 student-athlete before the date on which the student-athlete
1141 enrolls at a postsecondary educational institution.



1142 (14) No student-athlete shall enter into a name, image, and
1143 likeness agreement or receive compensation from a third-party
1144 licensee for the endorsement or promotion of gambling, sports
1145 betting, controlled substances, marijuana, tobacco or alcohol
1146 company, brand or products, alternative or electronic nicotine
1147 product or delivery system, performance-enhancing supplements,
1148 adult entertainment or any other product or service that is
1149 reasonably considered to be inconsistent with the values or
1150 mission of a postsecondary educational institution or that
1151 negatively impacts or reflects adversely on a postsecondary
1152 education institution or its athletic programs, including, without
1153 limitation, bringing about public disrepute, embarrassment,
1154 scandal, ridicule or otherwise negatively impacting the reputation
1155 or the moral or ethical standards of the postsecondary educational
1156 institution.

1157 (15) A contract for the use of the a student-athlete's name,
1158 image, or likeness which is formed while the student-athlete is
1159 participating in an intercollegiate sport at a postsecondary
1160 educational institution may not extend beyond the
1161 student-athlete's participation in the sport at the institution.

1162 (16) Nothing in this article shall be interpreted to modify
1163 any requirements or obligations imposed under Title IX of the
1164 Education Amendments of 1972 (20 USC 1681 et seq.).

1165 **SECTION 27.** Section 37-97-109, Mississippi Code of 1972, is
1166 brought forward as follows:



1167 37-97-109. No postsecondary educational institution shall be
1168 subject to a claim for damages of any kind under this article,
1169 including, without limitation, a claim for unfair trade or
1170 competition or tortious interference. No postsecondary
1171 educational institution shall be subject to a claim for damages
1172 related to its adoption, implementation or enforcement of any
1173 contract, rule, regulation, standard or other requirement in
1174 compliance with this article. This article is not intended to and
1175 shall not waive or diminish any applicable defenses and
1176 immunities, including, without limitation, sovereign immunity
1177 applicable to postsecondary educational institutions.

1178 **SECTION 28.** This act shall take effect and be in force from
1179 and after July 1, 2022.

