

By: Senator(s) Parks

To: Universities and Colleges

SENATE BILL NO. 2416

1 AN ACT TO BRING FORWARD SECTIONS 37-97-101, 37-97-103,
 2 37-97-105, 37-97-107 AND 37-97-109, MISSISSIPPI CODE OF 1972,
 3 WHICH ARE PROVISIONS ESTABLISHING THE "MISSISSIPPI INTERCOLLEGIATE
 4 ATHLETICS COMPENSATION RIGHTS ACT," FOR THE PURPOSE OF POSSIBLE
 5 AMENDMENTS; TO BRING FORWARD SECTIONS 73-42-1, 73-42-3, 73-42-5,
 6 73-42-7, 73-42-9, 73-42-11, 73-42-13, 73-42-15, 73-42-17,
 7 73-42-19, 73-42-21, 73-42-23, 73-42-25, 73-42-27, 73-42-29,
 8 73-42-31, 73-42-33, 73-42-34, 73-42-35, 73-42-37 AND 73-42-39,
 9 MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS ESTABLISHING THE
 10 "UNIFORM ATHLETE AGENTS ACT," FOR THE PURPOSE OF POSSIBLE
 11 AMENDMENTS; TO BRING FORWARD SECTION 93-19-17, MISSISSIPPI CODE OF
 12 1972, WHICH PROVIDES CERTAIN CONTRACTING RIGHTS FOR MINORS TO
 13 ENTER INTO NAME, IMAGE OR LIKENESS CONTRACTS, FOR THE PURPOSE OF
 14 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 37-97-101, Mississippi Code of 1972, is
 17 brought forward as follows:

18 37-97-101. This article shall be known and may be cited as
 19 the "Mississippi Intercollegiate Athletics Compensation Rights
 20 Act."

21 **SECTION 2.** Section 37-97-103, Mississippi Code of 1972, is
 22 brought forward as follows:



23 37-97-103. As used in this article, the following terms
24 shall have the following meanings unless the context clearly
25 indicates otherwise:

26 (a) "Compensation" means anything of value, monetary or
27 otherwise, including, but not limited to, cash, gifts, in-kind
28 items of value, social media compensation, payments for licensing
29 or use of publicity rights, payments for other intellectual or
30 intangible property rights under federal or state law, and any
31 other form of payment or remuneration, except as excluded under
32 this article.

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

35 (i) Tuition, room, board, books, fees and personal
36 expenses that a postsecondary educational institution provides a
37 student-athlete in accordance with the rules of the athletic
38 association or conference of which the postsecondary educational
39 institution is a member;

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

44 (iii) Any other financial aid, benefits or awards
45 that a postsecondary educational institution provides a
46 student-athlete in accordance with the rules of the athletic



47 association or conference of which the postsecondary educational
48 institution is a member; or

49 (iv) The payment of wages and benefits to a
50 student-athlete for work actually performed for services unrelated
51 to a student-athlete's publicity rights or other intellectual or
52 intangible property rights of a student-athlete under federal or
53 state law.

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

55 (c) "Intercollegiate athletics program" means an
56 intercollegiate athletics program played at the collegiate level
57 for which eligibility requirements for participation by a
58 student-athlete are established by a national association for the
59 promotion or regulation of collegiate athletics.

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

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

65 (f) "Name, Image and Likeness Agreement" means a
66 contract or other arrangement between a student-athlete and a
67 third-party regarding the use of the publicity of the
68 student-athlete.

69 (g) "Publicity right" means any right:



70 (i) Associated with the name, image, likeness,
71 publicity, reputation, fame or personal following of a
72 student-athlete; or

73 (ii) Recognized under a federal or state law as
74 permitting an individual to control and profit from the use of the
75 name, image, likeness, publicity, reputation, fame or personal
76 following of the individual.

77 (h) "Postsecondary educational institution" means a
78 public university or community college or private university or
79 college.

80 (i) "Social media compensation" means all forms of
81 payment for engagement on social media received by a
82 student-athlete as a result of the use of that student-athlete's
83 publicity rights.

84 (j) "Student-athlete" means an individual who engages
85 in, is eligible to engage in, or may be eligible in the future to
86 engage in, intercollegiate athletics program at a postsecondary
87 educational institution, including, without limitation,
88 prospective student-athletes of an intercollegiate athletics
89 program. If an individual is permanently ineligible to
90 participate in a particular intercollegiate sport, the individual
91 is not a student-athlete for purposes of that sport.

92 (k) "Third party" means any individual or entity or
93 group of the same, acting independently or collectively, that
94 enters into an agreement for the publicity rights of a



95 student-athlete or group of student-athletes. The term "third
96 party" shall not include any national association for the
97 promotion or regulation of collegiate athletics, athletics
98 conference, or postsecondary educational institution.

99 **SECTION 3.** Section 37-97-105, Mississippi Code of 1972, is
100 brought forward as follows:

101 37-97-105. (1) Except as provided in Section 37-97-107, a
102 student-athlete may:

103 (a) Earn compensation, for the use of publicity rights
104 of the student-athlete; and

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

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

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

116 **SECTION 4.** Section 37-97-107, Mississippi Code of 1972, is
117 brought forward as follows:

118 37-97-107. (1) Except as provided for under this article, a
119 postsecondary educational institution shall not uphold any



120 contract, rule, regulation, standard or other requirement that
121 prevents a student-athlete of that institution from earning
122 compensation for the use of the student's publicity rights. Any
123 such contract, rule, regulation standard or other requirement
124 shall be void and unenforceable against the postsecondary
125 educational institution or the student-athlete. Compensation from
126 the use of a student-athlete's publicity rights may not affect the
127 student-athlete's scholarship eligibility, grant-in-aid or other
128 financial aid, awards or benefits, or the student-athlete's
129 intercollegiate athletic eligibility. Nothing in this article is
130 intended to alter any state and federal laws or regulations
131 regarding the award of financial aid at postsecondary educational
132 institutions.

133 (2) Except as provided for in this article, an athletic
134 association, conference or other group or organization with
135 authority over intercollegiate athletic programs, including, but
136 not limited to, the National Collegiate Athletic Association
137 (NCAA) and the National Junior College Athletic Association
138 (NJCAA), shall not prevent, or otherwise enforce a contract, rule,
139 regulation, standard or other requirement that prevents, a
140 student-athlete of a postsecondary educational institution from
141 earning compensation as a result of the use of the
142 student-athlete's publicity rights.

143 (3) To protect the integrity of its educational mission and
144 intercollegiate athletics program, a postsecondary educational



145 institution may impose reasonable limitations on the dates and
146 time that a student-athlete may participate in endorsement,
147 promotional, social media or other activities related to the
148 license or use of the student-athlete's publicity rights. Nothing
149 in this article shall restrict a postsecondary educational
150 institution from exercising its sole discretion to control the
151 authorized use of its marks or logos or to determine a
152 student-athlete's apparel, gear or other wearables during an
153 intercollegiate athletics competition or institution-sponsored
154 event. A student-athlete may not receive or enter into a contract
155 for compensation for the use of his or her publicity rights in a
156 way that also uses any registered or licensed marks, logos,
157 verbiage or designs of a postsecondary institution, unless the
158 institution has provided the student-athlete with written
159 permission to do so prior to entering into the agreement or
160 receipt of compensation. If permission is granted, the
161 postsecondary educational institution, by agreement of all
162 parties, may be compensated for the use in a manner consistent
163 with market rates. A postsecondary educational institution may
164 also prohibit a student-athlete from wearing any item of clothing,
165 shoes, or other gear or wearables with the name, logo or insignia
166 of any entity during an intercollegiate athletics competition or
167 institution-sponsored event.

168 (4) An athletic association, conference or other group or
169 organization with authority over intercollegiate athletics



170 programs, including, but not limited to, the National Collegiate
171 Athletic Association and the National Junior College Athletic
172 Association, shall not enforce a contract, rule, regulation,
173 standard or other requirement that prevents a postsecondary
174 educational institution from participating in an intercollegiate
175 athletics program, or otherwise penalize the postsecondary
176 educational institution or its intercollegiate athletic program,
177 as a result of activities permitted by this article, including,
178 without limitation, the compensation of a student-athlete for the
179 use of the student-athlete's publicity rights.

180 (5) (a) A postsecondary educational institution, athletic
181 association, conference or other group or organization with
182 authority over intercollegiate athletics programs, including, but
183 not limited to, the National Collegiate Athletic Association and
184 the National Junior College Athletic Association, shall not:

185 (i) Enter into, or offer to enter into, a name,
186 image and likeness agreement with a student-athlete; or

187 (ii) Provide a student-athlete or the
188 student-athlete's family compensation in relation to the use of
189 the student-athlete's publicity rights.

190 (b) A postsecondary educational institution may
191 facilitate opportunities for student-athletes to engage with third
192 parties interested in entering into name, image, and likeness
193 agreements, and may communicate with third parties interested in



194 providing name, image, and likeness agreements to
195 student-athletes.

196 (6) 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 publicity rights, or to secure a name, image and
203 likeness agreement, including, but not limited to, representation
204 provided by athlete agents or legal representation provided by
205 attorneys. A student-athlete shall provide the postsecondary
206 educational institution with written notice at least seven (7)
207 days prior to entering into a representation agreement with any
208 individual for the purpose of exploring or securing compensation
209 for use of the student-athlete's publicity rights.

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

216 (8) Athlete agents representing student-athletes shall
217 comply with the Uniform Athlete Agents Act, Section 73-42-1 et
218 seq., Mississippi Code of 1972, and the federal Sports Agent



219 Responsibility and Trust Act in 15 USC Sections 7801-7807 in their
220 relationships with student-athletes.

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

228 (10) Before any agreement for compensation for the use of a
229 student-athlete's publicity rights is entered into, and before any
230 compensation is provided to the student-athlete in advance of an
231 agreement, the student-athlete shall disclose the agreement to a
232 designated official of the postsecondary educational institution
233 in which the student-athlete is enrolled in a manner prescribed by
234 the institution.

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



244 (12) No postsecondary educational institution, booster or
245 third-party shall provide a student-athlete compensation or enter
246 into a name, image and likeness agreement as an inducement for the
247 student-athlete to attend or enroll in a specific institution or
248 group of institutions. Compensation for a student-athlete's
249 publicity rights may not be conditioned on athletic performance or
250 attendance.

251 (13) No student-athlete shall enter into a name, image, and
252 likeness agreement or receive compensation from a third-party
253 licensee for the endorsement or promotion of gambling, sports
254 betting, controlled substances, marijuana, tobacco or alcohol,
255 brand or product, alternative or electronic nicotine product or
256 delivery system, performance-enhancing supplement, adult
257 entertainment or any other product or service that is reasonably
258 considered to be inconsistent with the values or mission of a
259 postsecondary educational institution or that negatively impacts
260 or reflects adversely on a postsecondary * * * educational
261 institution or its athletic programs, including, without
262 limitation, bringing about public disrepute, embarrassment,
263 scandal, ridicule or otherwise negatively impacting the reputation
264 or the moral or ethical standards of the postsecondary educational
265 institution.

266 (14) An agreement for the use of a student-athlete's
267 publicity rights which is formed while the student-athlete is
268 participating in an intercollegiate sport at a postsecondary



269 educational institution may not extend beyond the
270 student-athlete's participation in the sport at the institution.

271 (15) Nothing in this article shall be interpreted to modify
272 any requirements or obligations imposed under Title IX of the
273 Education Amendments of 1972 (20 USC 1681 et seq.).

274 **SECTION 5.** Section 37-97-109, Mississippi Code of 1972, is
275 brought forward as follows:

276 37-97-109. No postsecondary educational institution shall be
277 subject to a claim for damages of any kind under this article,
278 including, without limitation, a claim for unfair trade or
279 competition or tortious interference. No postsecondary
280 educational institution shall be subject to a claim for damages
281 related to its adoption, implementation or enforcement of any
282 contract, rule, regulation, standard or other requirement in
283 compliance with this article. This article is not intended to and
284 shall not waive or diminish any applicable defenses and
285 immunities, including, without limitation, sovereign immunity
286 applicable to postsecondary educational institutions.

287 **SECTION 6.** Section 73-42-1, Mississippi Code of 1972, is
288 brought forward as follows:

289 73-42-1. This chapter may be cited as the "Uniform Athlete
290 Agents Act."

291 **SECTION 7.** Section 73-42-3, Mississippi Code of 1972, is
292 brought forward 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 (l) "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 8.** Section 73-42-5, Mississippi Code of 1972, is
360 brought forward as follows:

361 73-42-5. (1) The Secretary of State shall administer this
362 chapter.

363 (2) By engaging in the business of an athlete agent in this
364 state, a nonresident individual appoints the Secretary of State as
365 the individual's agent to accept service of process in any civil
366 action related to the individual's business as an athlete agent in
367 this state.



368 (3) The Secretary of State may:

369 (a) Conduct public or private investigations within or
370 outside of this state which he considers necessary or appropriate
371 to determine whether a person has violated, is violating, or is
372 about to violate any provision of this chapter or a rule adopted
373 under this chapter, or to aid in the enforcement of this chapter
374 or in the adoption of rules and forms under this chapter;

375 (b) Require or permit a person to testify, file a
376 statement, or produce a record, under oath or otherwise as he may
377 determine, as to all facts and circumstances concerning a matter
378 to be investigated or about which an action or proceeding is to be
379 instituted; and

380 (c) Publish a record concerning an action, proceeding,
381 or an investigation under, or a violation of, this chapter or a
382 rule adopted under this chapter if he determines it is necessary
383 or appropriate in the public interest.

384 (4) For the purpose of an investigation under this chapter,
385 the Secretary of State or his designated officer may administer
386 oaths and affirmations, subpoena witnesses, seek compulsion of
387 attendance, take evidence, require the filing of statements, and
388 require the production of any records that the Secretary of State
389 considers relevant or material to the investigation.

390 **SECTION 9.** Section 73-42-7, Mississippi Code of 1972, is
391 brought forward as follows:



392 73-42-7. (1) Except as otherwise provided in subsection
393 (2), an individual may not act as an athlete agent in this state
394 before being issued a certificate of registration under Section
395 73-42-11 or 73-42-15.

396 (2) Before being issued a certificate of registration, an
397 individual may act as an athlete agent for all purposes except
398 signing an agency contract if within seven (7) days after an
399 initial act as an athlete agent, the individual submits an
400 application to register as an athlete agent in this state.

401 (3) An agency contract resulting from conduct in violation
402 of this section is void. The athlete agent shall return any
403 consideration received under the contract to the individual or
404 entity who tendered or paid the consideration.

405 **SECTION 10.** Section 73-42-9, Mississippi Code of 1972, is
406 brought forward as follows:

407 73-42-9. (1) An applicant for registration shall submit an
408 application for registration to the Secretary of State in a form
409 prescribed by the Secretary of State. An application filed under
410 this section is a public record. Except as otherwise provided in
411 subsection (2), the application must be in the name of an
412 individual, signed by the applicant under penalty of perjury and
413 must state or contain:

414 (a) The name of the applicant and the address of the
415 applicant's principal place of business;



416 (b) The name of the applicant's business or employer,
417 if applicable;

418 (c) Any business or occupation engaged in by the
419 applicant for the five (5) years next preceding the date of
420 submission of the application;

421 (d) A description of the applicant's:

422 (i) Formal training as an athlete agent;

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

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

426 (e) The names and addresses of three (3) individuals
427 not related to the applicant who are willing to serve as
428 references;

429 (f) The name, sport and last known team for each
430 individual for whom the applicant provided services as an athlete
431 agent during the five (5) years next preceding the date of
432 submission of the application;

433 (g) The names and addresses of all persons who are:

434 (i) With respect to the athlete agent's business
435 if it is not a corporation, the partners, officers, associates,
436 individuals or profit-sharers; and

437 (ii) With respect to a company or corporation
438 employing the athlete agent, the officers, directors and any
439 shareholder of the corporation or member with a five percent (5%)
440 or greater interest;



441 (h) Whether the applicant or any other person named
442 pursuant to paragraph (g) has been convicted of a crime that, if
443 committed in this state, would be a felony or other crime
444 involving moral turpitude, and identify the crime;

445 (i) Whether there has been any administrative or
446 judicial determination that the applicant or any other person
447 named pursuant to paragraph (g) has made a false, misleading,
448 deceptive or fraudulent representation;

449 (j) Any instance in which the conduct of the applicant
450 or any other person named pursuant to paragraph (g) resulted in
451 the imposition of a sanction, suspension or declaration of
452 ineligibility to participate in an interscholastic or
453 intercollegiate athletic event on a student-athlete or educational
454 institution;

455 (k) Any sanction, suspension or disciplinary action
456 taken against the applicant or any other person named pursuant to
457 paragraph (g) arising out of occupational or professional conduct;

458 (l) Whether there has been any denial of an application
459 for, suspension or revocation of, or refusal to renew, the
460 certification, registration or licensure of the applicant or any
461 other person named pursuant to paragraph (g) as an athlete agent
462 in any state;

463 (m) Any pending litigation against the applicant in the
464 applicant's capacity as an agent;



465 (n) A list of all other states in which the applicant
466 is currently licensed or registered as an athlete agent and a copy
467 of each state's license or registration, as applicable; and

468 (o) Consent to submit to a criminal background check
469 before being issued a certificate of registration. Any fees
470 connected with the background check shall be assessed to the
471 applicant.

472 (2) An individual who has submitted an application for, and
473 received a certificate of, registration or licensure as an athlete
474 agent in another state, may submit a copy of the application and a
475 valid certificate of registration or licensure from the other
476 state in lieu of submitting an application in the form prescribed
477 pursuant to subsection (1), along with the information requested
478 in paragraphs (l), (m), (n) and (o) of subsection (1). The
479 Secretary of State shall accept the application and the
480 certificate from the other state as an application for
481 registration in this state if the application to the other state:

482 (a) Was submitted in the other state within the six (6)
483 months next preceding the submission of the application in this
484 state and the applicant certifies the information contained in the
485 application is current;

486 (b) Contains information substantially similar to or
487 more comprehensive than that required in an application submitted
488 in this state; and



489 (c) Was signed by the applicant under penalty of
490 perjury.

491 (3) An athlete agent must notify the Secretary of State
492 within thirty (30) days whenever the information contained in any
493 application for registration as an athlete agent in this state
494 changes in a material way or is, or becomes, inaccurate or
495 incomplete in any respect. Events requiring notice shall include,
496 but are not limited to, the following:

497 (a) Change in address of the athlete agent's principal
498 place of business;

499 (b) Conviction of a felony or other crime involving
500 moral turpitude by the athlete agent;

501 (c) Denial, suspension, refusal to renew, or revocation
502 of a registration or license of the athlete agent as an athlete
503 agent in any state; or

504 (d) Sanction, suspension or other disciplinary action
505 taken against the athlete agent arising out of occupational or
506 professional conduct.

507 **SECTION 11.** Section 73-42-11, Mississippi Code of 1972, is
508 brought forward as follows:

509 73-42-11. (1) Except as otherwise provided in subsection
510 (3), the Secretary of State shall issue a certificate of
511 registration to an individual who complies with Section
512 73-42-9(1).



513 (2) Except as otherwise provided in subsection (3), the
514 Secretary of State shall issue a certificate of registration to an
515 individual whose application has been accepted under Section
516 73-42-9(2).

517 (3) The Secretary of State may refuse to issue a certificate
518 of registration if he determines that the applicant has engaged in
519 conduct that has a significant adverse effect on the applicant's
520 fitness to serve as an athlete agent. In making the
521 determination, the Secretary of State may consider whether the
522 applicant has:

523 (a) Been convicted of a crime in another state that, if
524 committed in this state, would be a felony or other crime
525 involving moral turpitude;

526 (b) Made a materially false, misleading, deceptive or
527 fraudulent representation as an athlete agent or in the
528 application;

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

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

532 (e) Had a registration, licensure or certification as
533 an athlete agent suspended, revoked, or denied or been refused
534 renewal of registration, licensure or certification in any state;

535 (f) Engaged in conduct or failed to engage in conduct
536 the consequence of which was that a sanction, suspension or
537 declaration of ineligibility to participate in an interscholastic



538 or intercollegiate athletic event was imposed on a student-athlete
539 or educational institution; or

540 (g) Engaged in conduct that significantly adversely
541 reflects on the applicant's trustworthiness or credibility.

542 (4) In making a determination under subsection (3), the
543 Secretary of State shall consider:

544 (a) How recently the conduct occurred;

545 (b) The nature of the conduct and the context in which
546 it occurred; and

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

548 (5) An athlete agent may apply to renew a registration by
549 submitting an application for renewal in a form prescribed by the
550 Secretary of State. An application filed under this section is a
551 public record. The application for renewal must be signed by the
552 applicant under penalty of perjury and must contain current
553 information on all matters required in an original registration.

554 (6) An individual who has submitted an application for
555 renewal of registration or licensure in another state, in lieu of
556 submitting an application for renewal in the form prescribed
557 pursuant to subsection (5), may file a copy of the application for
558 renewal and a valid certificate of registration from the other
559 state. The Secretary of State shall accept the application for
560 renewal from the other state as an application for renewal in this
561 state if the application to the other state:



562 (a) Was submitted in the other state within the last
563 six (6) months and the applicant certifies the information
564 contained in the application for renewal is current;

565 (b) Contains information substantially similar to or
566 more comprehensive than that required in an application for
567 renewal submitted in this state; and

568 (c) Was signed by the applicant under penalty of
569 perjury.

570 (7) Except as provided in Section 33-1-39, a certificate of
571 registration or a renewal of a registration is valid for two (2)
572 years.

573 **SECTION 12.** Section 73-42-13, Mississippi Code of 1972, is
574 brought forward as follows:

575 73-42-13. (1) After proper notice and an opportunity for a
576 hearing, the Secretary of State may deny, suspend, revoke or
577 refuse to renew a registration for conduct that would have
578 justified denial of registration under Section 73-42-11(3) or for
579 a violation of any provision of this chapter.

580 (2) (a) The Secretary of State shall appoint at least one
581 (1) hearing officer for the purpose of holding hearings, compiling
582 evidence and rendering decisions under this section and Section
583 73-42-11. The hearing officer shall fix the date for an
584 adjudicatory hearing and notify the athlete agent involved. The
585 hearing shall be held at a location to be designated by the
586 hearing officer. Unless the time period is extended by the



587 hearing officer, the hearing shall be held not less than fifteen
588 (15) nor more than thirty (30) days after the mailing of notice to
589 the athlete agent involved. At the conclusion of the hearing, the
590 hearing officer shall make a recommendation regarding the
591 registration of the athlete agent involved. The Secretary of
592 State shall then take appropriate action by final order.

593 (b) Any athlete agent whose application for
594 registration has been denied or not renewed, or whose registration
595 has been revoked or suspended by the Secretary of State, within
596 thirty (30) days after the date of such final order, shall have
597 the right of a trial de novo on appeal to the circuit court of the
598 county of residence of the athlete agent, the student-athlete, or
599 the educational institution that issued an athletic scholarship to
600 the student-athlete. If the secretary's final order is supported
601 by substantial evidence and does not violate a state or federal
602 law, then it shall be affirmed by the circuit court. Either party
603 shall have the right of appeal to the Supreme Court as provided by
604 law from any decision of the circuit court. No athlete agent
605 shall be allowed to deliver services to a student-athlete
606 domiciled or residing in Mississippi while any such appeal is
607 pending.

608 (3) In addition to the reasons specified in subsection (1)
609 of this section, the secretary shall be authorized to suspend the
610 registration of any person for being out of compliance with an
611 order for support, as defined in Section 93-11-153. The procedure



612 for suspension of a registration for being out of compliance with
613 an order for support, and the procedure for the reissuance or
614 reinstatement of a registration suspended for that purpose, and
615 the payment of any fees for the reissuance or reinstatement of a
616 registration suspended for that purpose, shall be governed by
617 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
618 by the secretary in suspending the registration of a person when
619 required by Section 93-11-157 are not actions from which an appeal
620 may be taken under this section. Any appeal of a registration
621 suspension that is required by Section 93-11-157 or 93-11-163
622 shall be taken in accordance with the appeal procedure specified
623 in Section 93-11-157 or 93-11-163, as the case may be, rather than
624 the procedure specified in this section. If there is any conflict
625 between any provision of Section 93-11-157 or 93-11-163 and any
626 provision of this chapter, the provisions of Section 93-11-157 or
627 93-11-163, as the case may be, shall control.

628 **SECTION 13.** Section 73-42-15, Mississippi Code of 1972, is
629 brought forward as follows:

630 73-42-15. The Secretary of State may issue a temporary
631 certificate of registration while an application for registration
632 or renewal is pending.

633 **SECTION 14.** Section 73-42-17, Mississippi Code of 1972, is
634 brought forward as follows:

635 73-42-17. (1) An application for registration or renewal of
636 registration must be accompanied by a fee in the following amount:



637 (a) Two Hundred Dollars (\$200.00) for an initial
638 application for registration.

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

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

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

647 (2) In addition, the Secretary of State may impose a fee for
648 the actual costs incurred by the Secretary of State's office for
649 processing and administering one or more criminal history
650 background checks.

651 **SECTION 15.** Section 73-42-19, Mississippi Code of 1972, is
652 brought forward as follows:

653 73-42-19. (1) An agency contract must be in a record,
654 signed by the parties.

655 (2) An agency contract must state or contain:

656 (a) The amount and method of calculating the
657 consideration to be paid by the student-athlete for services to be
658 provided by the athlete agent under the contract and any other
659 consideration or anything of value that the athlete agent has
660 received or will receive from any other source for entering into
661 the contract or for providing the services;



662 (b) The name of any person not listed in the
663 application for registration or renewal who will be compensated
664 because the student-athlete signed the agency contract;

665 (c) A description of any expenses that the
666 student-athlete agrees to reimburse;

667 (d) A description of the services to be provided to the
668 student-athlete;

669 (e) The duration of the contract; and

670 (f) The date of execution.

671 (3) An agency contract must contain, in close proximity to
672 the signature of the student-athlete, a conspicuous notice in
673 boldface type in capital letters stating:

674 **WARNING TO STUDENT-ATHLETE**

675 **IF YOU SIGN THIS CONTRACT:**

676 (1) **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A**
677 **STUDENT-ATHLETE IN YOUR SPORT UNLESS THIS CONTRACT IS SERVING AS A**
678 **NAME, IMAGE AND LIKENESS AGREEMENT PURSUANT TO SECTION 37-97-103;**

679 (2) **BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL**
680 **YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN**
681 **72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND**

682 (3) **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER**
683 **SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR**
684 **ELIGIBILITY.**

685 (4) An agency contract that does not conform to this section
686 is voidable by the student-athlete.



687 (5) The athlete agent shall give a copy of the signed agency
688 contract to the student-athlete at the time of signing.

689 **SECTION 16.** Section 73-42-21, Mississippi Code of 1972, is
690 brought forward as follows:

691 73-42-21. (1) Before an athlete agent, or his or her
692 employee or representative, may initiate a first contact, direct
693 or indirect, with any of the individuals listed below, with the
694 intent or for the purpose of soliciting the student-athlete or of
695 procuring employment from the student-athlete, the athlete agent,
696 or his or her employee or representative, must provide the
697 educational institution at which the student-athlete is enrolled
698 with written notification of the planned contact with these
699 individuals:

700 (a) The student-athlete;

701 (b) The student-athlete's spouse, parent, foster
702 parent, guardian, sibling, aunt, uncle, grandparent, child or
703 first cousin; or the parent, foster parent, sibling, aunt, uncle,
704 grandparent, child or first cousin of the student-athlete's
705 spouse; or

706 (c) A representative of any of the individuals
707 enumerated in paragraphs (a) and (b) of this subsection (1).

708 (2) Within seventy-two (72) hours after entering into an
709 agency contract or before the next scheduled athletic event in
710 which the student-athlete may participate, whichever occurs first,
711 the athlete agent shall give notice of the existence of the agency



712 contract to the athletic director of the educational institution
713 at which the student-athlete is enrolled or at which the athlete
714 agent has reasonable grounds to believe the student-athlete
715 intends to enroll.

716 (3) Within seventy-two (72) hours after entering into an
717 agency contract or before the next athletic event in which the
718 student-athlete may participate, whichever occurs first, the
719 student-athlete shall inform the athletic director of the
720 educational institution at which the student-athlete is enrolled
721 that he or she has entered into an agency contract.

722 **SECTION 17.** Section 73-42-23, Mississippi Code of 1972, is
723 brought forward as follows:

724 73-42-23. (1) A student-athlete may cancel an agency
725 contract by giving notice to the athlete agent of the cancellation
726 within fourteen (14) days after the date the contract is signed.

727 (2) A student-athlete may not waive the right to cancel any
728 agency contract.

729 (3) If a student-athlete cancels an agency contract, the
730 student-athlete is not required to pay any consideration under the
731 contract or to return any consideration received from the athlete
732 agent to induce the student-athlete to enter into the contract.

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

735 73-42-25. (1) An athlete agent shall retain the following
736 records for a period of five (5) years:



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

739 (b) Any agency contract entered into by the athlete
740 agent; and

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

743 (2) Records required by subsection (1) to be retained are
744 open to inspection by the Secretary of State during normal
745 business hours.

746 **SECTION 19.** Section 73-42-27, Mississippi Code of 1972, is
747 brought forward as follows:

748 73-42-27. (1) An athlete agent may not engage in any of the
749 following activities, within this state or otherwise, with the
750 intent to induce a student-athlete to enter into an agency
751 contract:

752 (a) Give any materially false or misleading information
753 or make a materially false promise or representation;

754 (b) Furnish anything of value to a student-athlete
755 before the student-athlete enters into the agency contract; or

756 (c) Furnish anything of value to any individual other
757 than the student-athlete or another registered athlete agent.

758 (2) An athlete agent may not intentionally:

759 (a) Initiate contact with a student-athlete unless
760 registered under this chapter;



761 (b) Refuse or willfully fail to retain or permit
762 inspection of the records required by Section 73-42-25 or fail to
763 provide the Secretary of State with any statements, documents,
764 records or testimony required by the secretary under Section
765 73-42-5(3) and (4);

766 (c) Violate Section 73-42-7 by failing to register;

767 (d) Provide materially false or misleading information
768 in an application for registration or renewal of registration;

769 (e) Predate or postdate an agency contract; or

770 (f) Fail to notify a student-athlete prior to the
771 student-athlete's signing an agency contract for a particular
772 sport that the signing by the student-athlete may make the
773 student-athlete ineligible to participate as a student-athlete in
774 that sport.

775 **SECTION 20.** Section 73-42-29, Mississippi Code of 1972, is
776 brought forward as follows:

777 73-42-29. The commission of any act prohibited by Section
778 73-42-27 by an athlete agent is a felony punishable by a fine of
779 not more than Ten Thousand Dollars (\$10,000.00) or by
780 imprisonment * * * for not more than two (2) years, or both.

781 **SECTION 21.** Section 73-42-31, Mississippi Code of 1972, is
782 brought forward as follows:

783 73-42-31. (1) An educational institution has a right of
784 action against an athlete agent or a former student-athlete for
785 damages caused by a violation of this act. In an action under



786 this section, the court may award to the prevailing party costs
787 and reasonable attorney's fees.

788 (2) Damages of an educational institution under subsection
789 (1) include losses and expenses incurred because, as a result of
790 the activities of an athlete agent or former student-athlete, the
791 educational institution was injured by a violation of this chapter
792 or was penalized, disqualified or suspended from participation in
793 athletics by a national association for the promotion and
794 regulation of athletics, by an athletic conference, or by
795 reasonable self-imposed disciplinary action taken to mitigate
796 sanctions.

797 (3) A right of action under this section does not accrue
798 until the educational institution discovers or by the exercise of
799 reasonable diligence would have discovered the violation by the
800 athlete agent or former student-athlete.

801 (4) Any liability of the athlete agent or the former
802 student-athlete under this section is several and not joint.

803 (5) This chapter does not restrict rights, remedies or
804 defenses of any person under law or equity.

805 **SECTION 22.** Section 73-42-33, Mississippi Code of 1972, is
806 brought forward as follows:

807 73-42-33. The Secretary of State may assess a civil penalty
808 against an athlete agent not to exceed Twenty-five Thousand
809 Dollars (\$25,000.00) for a violation of this chapter.



810 **SECTION 23.** Section 73-42-34, Mississippi Code of 1972, is
811 brought forward as follows:

812 73-42-34. (1) If the Secretary of State determines that a
813 person has engaged in or is engaging in an act, practice, or
814 course of business constituting a violation of this chapter or a
815 rule adopted or order issued under this chapter, or that a person
816 has materially aided or is materially aiding in an act, practice,
817 or course of business constituting a violation of this chapter or
818 a rule adopted or order issued under this chapter, then the
819 secretary may:

820 (a) Issue an order directing the person to cease and
821 desist from engaging in the act, practice, or course of business,
822 or to take other action necessary or appropriate to comply with
823 this chapter or any rule adopted or order issued under this
824 chapter;

825 (b) Issue an order imposing an administrative penalty
826 against an athlete agent who violated any provision of this
827 chapter or any rule adopted or order issued under this chapter;
828 and

829 (c) Take any other action authorized under the
830 provisions of this chapter.

831 (2) An order issued under subsection (1) of this section is
832 effective on the date of its issuance. Upon the order's issuance,
833 the Secretary of State shall promptly serve each person subject to
834 the order with a copy of the order and a notice that the order has



835 been entered. The order must include a statement of any civil
836 penalty or other administrative remedy to be imposed under
837 subsection (1) of this section, a statement of the costs of
838 investigation that the secretary will seek to recover, a statement
839 of the reasons for the order, and a statement notifying the person
840 of his or her right to a hearing under Section 73-42-13. If a
841 person subject to the order does not request a hearing in writing
842 within thirty (30) days of the date of the order and none is
843 ordered by the hearing officer, then the order, including the
844 imposition of a civil penalty or requirement for payment of the
845 costs of investigation, shall become final as to that person by
846 operation of law.

847 (3) In a final order, the secretary may charge the actual
848 cost of an investigation or proceeding for a violation of this
849 chapter or a rule adopted or order issued under this chapter.

850 (4) If a petition for judicial review of a final order is
851 not filed in accordance with Section 73-42-37, or the petition is
852 denied by the court, the secretary may file a certified copy of
853 the final order with the clerk of a court in the jurisdiction
854 where enforcement will be sought. The order so filed has the same
855 effect as a judgment of the court and may be recorded, enforced,
856 or satisfied in the same manner as a judgment of the court.

857 (5) If a person does not comply with an order issued under
858 this section, the secretary may petition a court of competent
859 jurisdiction to enforce the order and collect administrative civil



860 penalties and costs imposed under the final order. The court may
861 not require the secretary to post a bond in an action or
862 proceeding under this section. If the court finds, after service
863 and opportunity for hearing, that the person did not comply with
864 the order, the court may adjudge the person in civil contempt of
865 the order. The court may grant any relief the court determines is
866 just and proper in the circumstances.

867 (6) Any person aggrieved by a final order of the secretary
868 may obtain a review of the order in the circuit court of the
869 county of residence of the athlete agent, the student-athlete, or
870 the public or private college, university, community or junior
871 college in the state that issued an athletic scholarship to the
872 student-athlete, by filing within thirty (30) days after the entry
873 of the order, a written petition praying that the order be
874 modified or set aside, in whole or in part. A copy of the
875 petition shall be served upon the secretary, and the secretary
876 shall certify and file with the court a copy of the record and
877 evidence upon which the order was entered. When these have been
878 filed, the court has exclusive jurisdiction to affirm, modify,
879 enforce or set aside the order, in whole or in part. The findings
880 of the secretary as to the facts, if supported by competent
881 material and substantial evidence, are conclusive. The beginning
882 of proceedings under this subsection does not operate as a stay of
883 the secretary's order, unless specifically ordered by the court.



884 **SECTION 24.** 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 25.** 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 26.** 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 27.** Section 93-19-17, Mississippi Code of 1972, is
906 brought forward as follows:

907 93-19-17. (1) All persons eighteen (18) years of age or
908 older, if not otherwise disqualified, or prohibited by law, shall



909 have the capacity to enter into binding contractual relationships
910 affecting the use of their name, image or likeness while
911 participating in intercollegiate sports as student-athletes.
912 Nothing in this section shall be construed to affect any contracts
913 entered into prior to July 1, 2021.

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

919 (3) For purposes of this section:

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

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

932 **SECTION 28.** This act shall take effect and be in force from
933 and after July 1, 2024.

