

By: Senator(s) Boyd

To: Universities and
Colleges

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2417

1 AN ACT TO AMEND SECTION 37-97-101, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE ACT MAY BE CITED AS THE "MISSISSIPPI
3 INTERCOLLEGIATE ATHLETICS COMPENSATION AND PUBLICITY RIGHTS ACT";
4 TO AMEND SECTION 37-97-103, MISSISSIPPI CODE OF 1972, TO REVISE
5 THE DEFINITION OF COMPENSATION, PUBLICITY RIGHTS, STUDENT-ATHLETE,
6 AND THIRD PARTY; TO AMEND SECTION 37-97-105, MISSISSIPPI CODE OF
7 1972, TO AUTHORIZE CERTAIN ACTIONS TAKEN BY A POSTSECONDARY
8 EDUCATIONAL INSTITUTION OR AN OFFICER OR EMPLOYEE THEREOF RELATED
9 TO STUDENT-ATHLETES AND THEIR PUBLICITY RIGHTS; TO AUTHORIZE A
10 THIRD PARTY TO COMPENSATE A STUDENT ATHLETE FOR THE USE OF THE
11 STUDENT ATHLETE'S PUBLICITY RIGHTS; TO AUTHORIZE SUCH INSTITUTION
12 TO REQUIRE STUDENT ATHLETES TO DISCLOSE PUBLICITY RIGHTS
13 AGREEMENTS; TO AMEND SECTION 37-97-107, MISSISSIPPI CODE OF 1972,
14 TO DELETE VARIOUS PROVISIONS THEREOF; TO PROVIDE THAT A
15 POSTSECONDARY EDUCATIONAL INSTITUTION MAY IMPOSE REASONABLE
16 LIMITATIONS ON THE DATES AND TIME THAT A STUDENT ATHLETE MAY
17 PARTICIPATE IN PUBLICITY RIGHTS ACTIVITIES; TO PROVIDE THAT
18 NOTHING IN THIS CHAPTER SHALL RESTRICT A POSTSECONDARY EDUCATIONAL
19 INSTITUTION FROM EXERCISING ITS SOLE DISCRETION TO CONTROL THE
20 AUTHORIZED USE OF ITS MARKS OR LOGOS OR TO DETERMINE A STUDENT
21 ATHLETE'S APPAREL, GEAR OR OTHER WEARABLES WHILE PARTICIPATING IN
22 AN INTERCOLLEGIATE ATHLETICS PROGRAM ACTIVITY; TO PROHIBIT A
23 STUDENT ATHLETE FROM USING REGISTERED OR LICENSED LOGOS OR MARKS
24 UNLESS THE INSTITUTION HAS PROVIDED WRITTEN PERMISSION TO DO SO;
25 TO PROVIDE THAT NO STUDENT ATHLETE WHO IS ENROLLED IN A
26 POSTSECONDARY EDUCATIONAL INSTITUTION SHALL ENTER INTO A PUBLICITY
27 RIGHTS AGREEMENT OR RECEIVE COMPENSATION FROM A THIRD PARTY FOR
28 THE ENDORSEMENT OR PROMOTION OF BRANDS, PRODUCTS, OR SERVICES
29 INVOLVING GAMBLING, SPORTS BETTING, CONTROLLED SUBSTANCES,
30 MARIJUANA, TOBACCO, ALTERNATIVE OR ELECTRONIC NICOTINE PRODUCT OR
31 DELIVERY SYSTEM, ALCOHOL, ADULT ENTERTAINMENT OR ANY OTHER BRAND,
32 TO PROVIDE THAT NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO
33 QUALIFY A STUDENT ATHLETE AS AN EMPLOYEE OF A POSTSECONDARY
34 EDUCATIONAL INSTITUTION; TO AMEND SECTION 37-97-109, MISSISSIPPI



35 CODE OF 1972, TO SET CERTAIN PROHIBITIONS AGAINST ACTIONS TAKEN BY
36 A NATIONAL ASSOCIATION, A CONFERENCE OR ANY OTHER GROUP OR
37 ORGANIZATION WITH AUTHORITY OVER THE SPORT THAT PROMOTES OR
38 REGULATES COLLEGIATE ATHLETICS AT A POSTSECONDARY EDUCATIONAL
39 INSTITUTION; TO PROVIDE THAT A PERSON OR ENTITY, REGARDLESS OF
40 RESIDENCE, SHALL NOT GIVE OR PROMISE COMPENSATION FOR THE USE OF
41 PUBLICITY RIGHTS OF A STUDENT ATHLETE WHO IS CURRENTLY ENROLLED IN
42 OR HAS SIGNED A NATIONAL LETTER OF INTENT OR OTHER WRITTEN
43 AGREEMENT TO ENROLL IN A POSTSECONDARY EDUCATIONAL INSTITUTION
44 WITHIN THE STATE OF MISSISSIPPI WITH THE PURPOSE OF RECRUITING OR
45 INDUCING THE STUDENT ATHLETE TO ENROLL AT ANOTHER POSTSECONDARY
46 EDUCATIONAL INSTITUTION; TO AMEND SECTION 73-42-3, MISSISSIPPI
47 CODE OF 1972, TO PROVIDE THAT AN AGENCY CONTRACT SHALL NOT PROVIDE
48 FOR ATHLETE AGENT COMPENSATION THAT EXCEEDS 20% OF THE AGENCY
49 CONTRACT; TO AMEND SECTIONS 73-42-19 AND 93-19-17, MISSISSIPPI
50 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THE ACT; TO BRING
51 FORWARD SECTIONS 73-42-1, 73-42-5, 73-42-7, 73-42-9, 73-42-11,
52 73-42-13, 73-42-15, 73-42-17, 73-42-21, 73-42-23, 73-42-25,
53 73-42-27, 73-42-29, 73-42-31, 73-42-33, 73-42-34, 73-42-35,
54 73-42-37 AND 73-42-39, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
55 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

57 **SECTION 1.** Section 37-97-101, Mississippi Code of 1972, is
58 amended as follows:

59 37-97-101. This article shall be known and may be cited as
60 the "Mississippi Intercollegiate Athletics Compensation and
61 Publicity Rights Act."

62 **SECTION 2.** Section 37-97-103, Mississippi Code of 1972, is
63 amended as follows:

64 37-97-103. As used in this article, the following terms
65 shall have the following meanings unless the context clearly
66 indicates otherwise:

67 (a) "Compensation" means * * * any remuneration, in
68 cash or in kind, whether provided at the time or at any subsequent
69 date, to a student athlete.



70 For the purposes of this article, "compensation" shall not
71 mean * * * any grant, scholarship, fellowship, tuition assistance,
72 or other form of financial aid provided to a student for pursuing
73 a post-secondary education.

74 * * *

75 (* * * b) "Intercollegiate athletics program" means an
76 intercollegiate athletics * * * sport played at the collegiate
77 level for which eligibility requirements for participation by a
78 student-athlete are established by a national association * * * ,
79 conference or any other group or organization with authority over
80 the sport, that promotes or regulates collegiate athletics.

81 * * *

82 (* * * c) " * * * Publicity Rights" means * * * any
83 right associated with the name, image, likeness, publicity,
84 reputation, fame, or personal following of a student recognized
85 under federal or state law as permitting an individual to control
86 or profit from the use of the same.

87 * * *

88 (* * * d) "Postsecondary educational institution" means
89 a public university or community college or private university or
90 college.

91 * * *

92 (* * * e) "Student-athlete" means an * * * individual
93 who is enrolled in or has signed a National Letter of Intent or
94 other written agreement to enroll in a postsecondary educational



95 institution or is being recruited by a postsecondary educational
96 institution to participate in an intercollegiate athletics
97 program. If an individual is permanently ineligible to
98 participate in a particular intercollegiate sport, the individual
99 is not a student-athlete for purposes of that sport.

100 (k) "Third party" means * * * any individual or entity
101 or group of the same other than a postsecondary educational
102 institution, including a charitable organization that qualifies as
103 an exempt organization under 26 USC Section 501(c)(3), as
104 amended. * * *

105 **SECTION 3.** Section 37-97-105, Mississippi Code of 1972, is
106 amended as follows:

107 37-97-105. (1) * * * A postsecondary educational
108 institution or any officer, trustee, or employee, of a
109 postsecondary educational institution, may, directly or through an
110 agreement with a third party, identify, create, solicit,
111 facilitate, negotiate, support, assist and otherwise enable
112 opportunities for a student athlete to earn or attempt to earn
113 compensation for the use of the student athlete's publicity
114 rights. Such right shall include, without limitation, the right
115 to discuss with a student athlete the potential to earn
116 compensation for their publicity rights if they attend the
117 postsecondary educational institution. Provided that such
118 individuals or institutions does not:



119 (a) * * * Receive compensation from the student athlete
120 or a third party for facilitating, enabling, or assisting with
121 such opportunities;

122 (b) * * * Attempt to influence an athlete's choice of
123 professional representation related to such opportunities; or

124 (c) Attempt to reduce such athlete's opportunities from
125 competing third parties.

126 (2) * * * A third party may compensate a student athlete for
127 the use of the student athlete's publicity rights. This shall
128 include the right to compensate the student athlete for the use of
129 the student athlete's publicity rights in connection with the
130 promotion of an athletic event in which the student athlete may
131 participate, the promotion of the postsecondary educational
132 institution the student athlete attends, and the promotion of the
133 postsecondary educational institution's intercollegiate athletics
134 programs.

135 (3) * * * A postsecondary educational institution or
136 officer, trustee, or employee of a postsecondary institution may
137 compensate a student athlete for the use of the student athlete's
138 publicity rights to the extent consistent with any legally
139 enforceable rules of a national association, a conference or any
140 other group or organization with authority over the sport, that
141 promotes or regulates collegiate athletics applicable to that
142 institution. Before any agreement for compensation for the use of
143 a student athlete's publicity rights is entered into, and before



144 any compensation is provided to the student athlete, a
145 postsecondary educational institution may require a student
146 athlete enrolled at that institution or who has announced an
147 intention to attend that institution, to disclose the agreement or
148 the terms thereof to a designated official of the postsecondary
149 educational institution in which the student athlete is enrolled
150 or intends to enroll in a manner prescribed by the institution.

151 **SECTION 4.** Section 37-97-107, Mississippi Code of 1972, is
152 amended as follows:

153 37-97-107. (1) * * * An agreement for the use of a
154 student-athlete's publicity rights which is formed after the
155 student-athlete has announced an intention to attend a
156 postsecondary educational institution or while the student-athlete
157 is participating in an intercollegiate sport at a postsecondary
158 educational institution may not extend beyond the
159 student-athlete's participation in the sport at the institution.

160 (2) * * * A postsecondary educational institution may impose
161 reasonable limitations on the dates and time that a
162 student-athlete may participate in publicity rights activities.

163 (3) * * * Nothing in this chapter shall restrict a
164 postsecondary educational institution from exercising its sole
165 discretion to control the authorized use of its marks or logos or
166 to determine a student-athlete's apparel, gear or other wearables
167 while participating in an intercollegiate athletics program
168 activity.



169 (4) * * * A student-athlete may not receive or enter into a
170 contract for compensation for the use of his or her publicity
171 rights in a way that also uses any registered or licensed marks,
172 logos, verbiage or designs of a postsecondary educational
173 institution, unless the institution has provided the
174 student-athlete with written permission to do so prior to entering
175 into the agreement or receipt of compensation.

176 (5) * * * If a student-athlete is granted permission to use
177 the marks or logos, independently or through a third-party, the
178 postsecondary educational institution may be compensated for the
179 use. A postsecondary educational institution may prohibit a
180 student-athlete from wearing any item of clothing, shoes, or other
181 gear or wearables with the name, logo or insignia of any third
182 party while participating in an intercollegiate athletics program
183 activity.

184 (6) * * * A third party may not enter into, or offer to
185 enter into, a publicity rights agreement with a student-athlete or
186 otherwise compensate a student-athlete for the use of the
187 student-athlete's publicity rights if a provision of the agreement
188 or the use of the student-athlete's publicity rights conflicts
189 with a provision of a contract, rule, regulation, standard or
190 other requirement of the postsecondary educational institution
191 unless such contract or use is expressly approved in writing by
192 the postsecondary educational institution.



193 (7) * * * No student-athlete who is enrolled in a
194 postsecondary educational institution shall enter into a publicity
195 rights agreement or receive compensation from a third party for
196 the endorsement or promotion of brands, products, or services
197 involving gambling, sports betting, controlled substances,
198 marijuana, tobacco, alternative or electronic nicotine product or
199 delivery system, alcohol, adult entertainment or any other brand,
200 product or service that is reasonably considered to be
201 inconsistent with the values or mission of a postsecondary
202 educational institution or that, in the institution's sole
203 judgment, negatively impacts or reflects adversely on a
204 postsecondary education institution or its athletic programs,
205 including, without limitation, bringing about public disrepute,
206 embarrassment, scandal, ridicule or otherwise negatively impacting
207 the reputation or the moral or ethical standards of the
208 postsecondary educational institution.

209 (8) * * * Nothing in this chapter shall be construed to
210 qualify a student-athlete as an employee of a postsecondary
211 educational institution.

212 * * *

213 **SECTION 5.** Section 37-97-109, Mississippi Code of 1972, is
214 amended as follows:

215 37-97-109. * * * (1) No postsecondary educational
216 institution or any officer, trustee, or employee of a
217 postsecondary educational institution shall be subject to a claim



218 for damages related to their adoption, implementation, or
219 enforcement of any contract, rule, regulation, standard or other
220 requirement in compliance with this chapter. This chapter is not
221 intended to and shall not waive or diminish any applicable
222 defenses and immunities, including, without limitation, sovereign
223 immunity applicable to public postsecondary educational
224 institutions.

225 (2) A national association, a conference or any other group
226 or organization with authority over the sport, that promotes or
227 regulates collegiate athletics at a postsecondary educational
228 institution to which this chapter applies shall not:

229 (a) Enforce a contract term, a rule, a regulation, a
230 standard, a bylaw, guidance, or any other requirement that
231 penalizes the institution, the institution's intercollegiate
232 athletic program, or student-athlete for performing, participating
233 in, or allowing an activity required or authorized by this
234 chapter;

235 (b) Prevent a postsecondary educational institution
236 from or penalize it for establishing agreements with a third-party
237 entity to act on the institution's behalf to identify, create,
238 solicit, facilitate, negotiate, support, assist, and otherwise
239 enable opportunities for a student-athlete to earn compensation
240 from their publicity rights; or

241 (c) Penalize a postsecondary educational institution
242 because an individual or entity whose purpose includes supporting



243 and benefiting the postsecondary institution or its
244 intercollegiate athletic programs violates any contract term, a
245 rule, a regulation, a standard, a bylaw, guidance, or any other
246 requirement that is in conflict with actions required or
247 authorized by this chapter.

248 (3) A person or entity, regardless of residence, shall not
249 give or promise compensation for the use of publicity rights of a
250 student-athlete that is currently enrolled in or has signed a
251 National Letter of Intent or other written agreement to enroll in
252 a postsecondary educational institution within the State of
253 Mississippi with the purpose of recruiting or inducing the
254 student-athlete to enroll at another postsecondary educational
255 institution.

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

258 73-42-1. This chapter may be cited as the "Uniform Athlete
259 Agents Act."

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

262 73-42-3. In this chapter:

263 (a) "Agency contract" means an agreement in which a
264 student-athlete authorizes a person to negotiate or solicit on
265 behalf of the student-athlete a professional-sports-services
266 contract, an endorsement contract, compensation for the use of the
267 student-athlete's * * * publicity rights, or enrollment at any



268 educational institution that offers an athletic scholarship to the
269 student-athlete; provided, however, that an agency contract shall
270 not provide for athlete agent compensation that exceeds twenty
271 percent (20%) of the agency contract.

272 (b) "Athlete agent" means an individual who enters into
273 an agency contract with a student-athlete or, directly or
274 indirectly, recruits, induces or solicits a student-athlete to
275 enter into an agency contract. The term does not include a
276 spouse, parent, sibling, grandparent or guardian of the
277 student-athlete or an individual acting solely on behalf of a
278 professional sports team or professional sports organization. The
279 term includes an individual who represents to the public that the
280 individual is an athlete agent.

281 (c) "Athletic director" means an individual responsible
282 for administering the overall athletic program of an educational
283 institution or, if an educational institution has separately
284 administered athletic programs for male students and female
285 students, the athletic program for males or the athletic program
286 for females, as appropriate.

287 (d) "Contact" means a communication, direct or
288 indirect, written or oral, between an athlete agent and a
289 student-athlete, to recruit, induce or solicit the student-athlete
290 to enter into an agency contract.

291 (e) "Endorsement contract" means:



292 (i) An agreement under which a student-athlete is
293 employed or receives consideration or anything of value for the
294 student-athlete's publicity, reputation, following, or fame
295 obtained because of the student-athlete's athletic ability or
296 performance; and

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

300 (f) "Intercollegiate sport" means a sport played at the
301 collegiate level for which eligibility requirements for
302 participation by a student-athlete are established by a national
303 association for the promotion or regulation of collegiate
304 athletics.

305 (g) "Person" means an individual, corporation, business
306 trust, estate, trust, partnership, limited liability company,
307 association, joint venture, government; governmental subdivision,
308 agency or instrumentality; public corporation, or any other legal
309 or commercial entity.

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

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



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

319 (k) "State" means a state of the United States, the
320 District of Columbia, Puerto Rico, the United States Virgin
321 Islands, or any territory or insular possession subject to the
322 jurisdiction of the United States.

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

330 **SECTION 8.** Section 73-42-5, Mississippi Code of 1972, is
331 brought forward as follows:

332 73-42-5. (1) The Secretary of State shall administer this
333 chapter.

334 (2) By engaging in the business of an athlete agent in this
335 state, a nonresident individual appoints the Secretary of State as
336 the individual's agent to accept service of process in any civil
337 action related to the individual's business as an athlete agent in
338 this state.

339 (3) The Secretary of State may:

340 (a) Conduct public or private investigations within or
341 outside of this state which he considers necessary or appropriate



342 to determine whether a person has violated, is violating, or is
343 about to violate any provision of this chapter or a rule adopted
344 under this chapter, or to aid in the enforcement of this chapter
345 or in the adoption of rules and forms under this chapter;

346 (b) Require or permit a person to testify, file a
347 statement, or produce a record, under oath or otherwise as he may
348 determine, as to all facts and circumstances concerning a matter
349 to be investigated or about which an action or proceeding is to be
350 instituted; and

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

355 (4) For the purpose of an investigation under this chapter,
356 the Secretary of State or his designated officer may administer
357 oaths and affirmations, subpoena witnesses, seek compulsion of
358 attendance, take evidence, require the filing of statements, and
359 require the production of any records that the Secretary of State
360 considers relevant or material to the investigation.

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

363 73-42-7. (1) Except as otherwise provided in subsection
364 (2), an individual may not act as an athlete agent in this state
365 before being issued a certificate of registration under Section
366 73-42-11 or 73-42-15.



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

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

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

378 73-42-9. (1) An applicant for registration shall submit an
379 application for registration to the Secretary of State in a form
380 prescribed by the Secretary of State. An application filed under
381 this section is a public record. Except as otherwise provided in
382 subsection (2), the application must be in the name of an
383 individual, signed by the applicant under penalty of perjury and
384 must state or contain:

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

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

389 (c) Any business or occupation engaged in by the
390 applicant for the five (5) years next preceding the date of
391 submission of the application;



392 (d) A description of the applicant's:
393 (i) Formal training as an athlete agent;
394 (ii) Practical experience as an athlete agent; and
395 (iii) Educational background relating to the
396 applicant's activities as an athlete agent;

397 (e) The names and addresses of three (3) individuals
398 not related to the applicant who are willing to serve as
399 references;

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

404 (g) The names and addresses of all persons who are:
405 (i) With respect to the athlete agent's business
406 if it is not a corporation, the partners, officers, associates,
407 individuals or profit-sharers; and
408 (ii) With respect to a company or corporation
409 employing the athlete agent, the officers, directors and any
410 shareholder of the corporation or member with a five percent (5%)
411 or greater interest;

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



416 (i) Whether there has been any administrative or
417 judicial determination that the applicant or any other person
418 named pursuant to paragraph (g) has made a false, misleading,
419 deceptive or fraudulent representation;

420 (j) Any instance in which the conduct of the applicant
421 or any other person named pursuant to paragraph (g) resulted in
422 the imposition of a sanction, suspension or declaration of
423 ineligibility to participate in an interscholastic or
424 intercollegiate athletic event on a student-athlete or educational
425 institution;

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

429 (l) Whether there has been any denial of an application
430 for, suspension or revocation of, or refusal to renew, the
431 certification, registration or licensure of the applicant or any
432 other person named pursuant to paragraph (g) as an athlete agent
433 in any state;

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

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

439 (o) Consent to submit to a criminal background check
440 before being issued a certificate of registration. Any fees



441 connected with the background check shall be assessed to the
442 applicant.

443 (2) An individual who has submitted an application for, and
444 received a certificate of, registration or licensure as an athlete
445 agent in another state, may submit a copy of the application and a
446 valid certificate of registration or licensure from the other
447 state in lieu of submitting an application in the form prescribed
448 pursuant to subsection (1), along with the information requested
449 in paragraphs (l), (m), (n) and (o) of subsection (1). The
450 Secretary of State shall accept the application and the
451 certificate from the other state as an application for
452 registration in this state if the application to the other state:

453 (a) Was submitted in the other state within the six (6)
454 months next preceding the submission of the application in this
455 state and the applicant certifies the information contained in the
456 application is current;

457 (b) Contains information substantially similar to or
458 more comprehensive than that required in an application submitted
459 in this state; and

460 (c) Was signed by the applicant under penalty of
461 perjury.

462 (3) An athlete agent must notify the Secretary of State
463 within thirty (30) days whenever the information contained in any
464 application for registration as an athlete agent in this state
465 changes in a material way or is, or becomes, inaccurate or



466 incomplete in any respect. Events requiring notice shall include,
467 but are not limited to, the following:

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

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

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

475 (d) Sanction, suspension or other disciplinary action
476 taken against the athlete agent arising out of occupational or
477 professional conduct.

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

480 73-42-11. (1) Except as otherwise provided in subsection
481 (3), the Secretary of State shall issue a certificate of
482 registration to an individual who complies with Section
483 73-42-9(1).

484 (2) Except as otherwise provided in subsection (3), the
485 Secretary of State shall issue a certificate of registration to an
486 individual whose application has been accepted under Section
487 73-42-9(2).

488 (3) The Secretary of State may refuse to issue a certificate
489 of registration if he determines that the applicant has engaged in
490 conduct that has a significant adverse effect on the applicant's



491 fitness to serve as an athlete agent. In making the
492 determination, the Secretary of State may consider whether the
493 applicant has:

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

497 (b) Made a materially false, misleading, deceptive or
498 fraudulent representation as an athlete agent or in the
499 application;

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

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

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

506 (f) Engaged in conduct or failed to engage in conduct
507 the consequence of which was that a sanction, suspension or
508 declaration of ineligibility to participate in an interscholastic
509 or intercollegiate athletic event was imposed on a student-athlete
510 or educational institution; or

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

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

515 (a) How recently the conduct occurred;



516 (b) The nature of the conduct and the context in which
517 it occurred; and

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

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

525 (6) An individual who has submitted an application for
526 renewal of registration or licensure in another state, in lieu of
527 submitting an application for renewal in the form prescribed
528 pursuant to subsection (5), may file a copy of the application for
529 renewal and a valid certificate of registration from the other
530 state. The Secretary of State shall accept the application for
531 renewal from the other state as an application for renewal in this
532 state if the application to the other state:

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

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

539 (c) Was signed by the applicant under penalty of
540 perjury.



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

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

546 73-42-13. (1) After proper notice and an opportunity for a
547 hearing, the Secretary of State may deny, suspend, revoke or
548 refuse to renew a registration for conduct that would have
549 justified denial of registration under Section 73-42-11(3) or for
550 a violation of any provision of this chapter.

551 (2) (a) The Secretary of State shall appoint at least one
552 (1) hearing officer for the purpose of holding hearings, compiling
553 evidence and rendering decisions under this section and Section
554 73-42-11. The hearing officer shall fix the date for an
555 adjudicatory hearing and notify the athlete agent involved. The
556 hearing shall be held at a location to be designated by the
557 hearing officer. Unless the time period is extended by the
558 hearing officer, the hearing shall be held not less than fifteen
559 (15) nor more than thirty (30) days after the mailing of notice to
560 the athlete agent involved. At the conclusion of the hearing, the
561 hearing officer shall make a recommendation regarding the
562 registration of the athlete agent involved. The Secretary of
563 State shall then take appropriate action by final order.

564 (b) Any athlete agent whose application for
565 registration has been denied or not renewed, or whose registration



566 has been revoked or suspended by the Secretary of State, within
567 thirty (30) days after the date of such final order, shall have
568 the right of a trial de novo on appeal to the circuit court of the
569 county of residence of the athlete agent, the student-athlete, or
570 the educational institution that issued an athletic scholarship to
571 the student-athlete. If the secretary's final order is supported
572 by substantial evidence and does not violate a state or federal
573 law, then it shall be affirmed by the circuit court. Either party
574 shall have the right of appeal to the Supreme Court as provided by
575 law from any decision of the circuit court. No athlete agent
576 shall be allowed to deliver services to a student-athlete
577 domiciled or residing in Mississippi while any such appeal is
578 pending.

579 (3) In addition to the reasons specified in subsection (1)
580 of this section, the secretary shall be authorized to suspend the
581 registration of any person for being out of compliance with an
582 order for support, as defined in Section 93-11-153. The procedure
583 for suspension of a registration for being out of compliance with
584 an order for support, and the procedure for the reissuance or
585 reinstatement of a registration suspended for that purpose, and
586 the payment of any fees for the reissuance or reinstatement of a
587 registration suspended for that purpose, shall be governed by
588 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
589 by the secretary in suspending the registration of a person when
590 required by Section 93-11-157 are not actions from which an appeal



591 may be taken under this section. Any appeal of a registration
592 suspension that is required by Section 93-11-157 or 93-11-163
593 shall be taken in accordance with the appeal procedure specified
594 in Section 93-11-157 or 93-11-163, as the case may be, rather than
595 the procedure specified in this section. If there is any conflict
596 between any provision of Section 93-11-157 or 93-11-163 and any
597 provision of this chapter, the provisions of Section 93-11-157 or
598 93-11-163, as the case may be, shall control.

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

601 73-42-15. The Secretary of State may issue a temporary
602 certificate of registration while an application for registration
603 or renewal is pending.

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

606 73-42-17. (1) An application for registration or renewal of
607 registration must be accompanied by a fee in the following amount:

608 (a) Two Hundred Dollars (\$200.00) for an initial
609 application for registration.

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

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



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

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

622 **SECTION 15.** Section 73-42-19, Mississippi Code of 1972, is
623 amended as follows:

624 73-42-19. (1) An agency contract must be in a record,
625 signed by the parties.

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

627 (a) The amount and method of calculating the
628 consideration to be paid by the student-athlete for services to be
629 provided by the athlete agent under the contract and any other
630 consideration or anything of value that the athlete agent has
631 received or will receive from any other source for entering into
632 the contract or for providing the services;

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

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

638 (d) A description of the services to be provided to the
639 student-athlete;



640 (e) The duration of the contract; and

641 (f) The date of execution.

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

645 **WARNING TO STUDENT-ATHLETE**

646 **IF YOU SIGN THIS CONTRACT:**

647 (1) **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A**
648 **STUDENT-ATHLETE IN YOUR SPORT * * * UNLESS THIS CONTRACT IS**
649 **SERVING AS A PUBLICITY RIGHTS AGREEMENT PURSUANT TO SECTION**
650 **37-97-103;**

651 (2) **BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL**
652 **YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN**
653 **72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND**

654 (3) **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER**
655 **SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR**
656 **ELIGIBILITY.**

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

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

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

663 73-42-21. (1) Before an athlete agent, or his or her
664 employee or representative, may initiate a first contact, direct



665 or indirect, with any of the individuals listed below, with the
666 intent or for the purpose of soliciting the student-athlete or of
667 procuring employment from the student-athlete, the athlete agent,
668 or his or her employee or representative, must provide the
669 educational institution at which the student-athlete is enrolled
670 with written notification of the planned contact with these
671 individuals:

672 (a) The student-athlete;

673 (b) The student-athlete's spouse, parent, foster
674 parent, guardian, sibling, aunt, uncle, grandparent, child or
675 first cousin; or the parent, foster parent, sibling, aunt, uncle,
676 grandparent, child or first cousin of the student-athlete's
677 spouse; or

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

680 (2) Within seventy-two (72) hours after entering into an
681 agency contract or before the next scheduled athletic event in
682 which the student-athlete may participate, whichever occurs first,
683 the athlete agent shall give notice of the existence of the agency
684 contract to the athletic director of the educational institution
685 at which the student-athlete is enrolled or at which the athlete
686 agent has reasonable grounds to believe the student-athlete
687 intends to enroll.

688 (3) Within seventy-two (72) hours after entering into an
689 agency contract or before the next athletic event in which the



690 student-athlete may participate, whichever occurs first, the
691 student-athlete shall inform the athletic director of the
692 educational institution at which the student-athlete is enrolled
693 that he or she has entered into an agency contract.

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

696 73-42-23. (1) A student-athlete may cancel an agency
697 contract by giving notice to the athlete agent of the cancellation
698 within fourteen (14) days after the date the contract is signed.

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

701 (3) If a student-athlete cancels an agency contract, the
702 student-athlete is not required to pay any consideration under the
703 contract or to return any consideration received from the athlete
704 agent to induce the student-athlete to enter into the contract.

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

707 73-42-25. (1) An athlete agent shall retain the following
708 records for a period of five (5) years:

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

711 (b) Any agency contract entered into by the athlete
712 agent; and

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



715 (2) Records required by subsection (1) to be retained are
716 open to inspection by the Secretary of State during normal
717 business hours.

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

720 73-42-27. (1) An athlete agent may not engage in any of the
721 following activities, within this state or otherwise, with the
722 intent to induce a student-athlete to enter into an agency
723 contract:

724 (a) Give any materially false or misleading information
725 or make a materially false promise or representation;

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

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

730 (2) An athlete agent may not intentionally:

731 (a) Initiate contact with a student-athlete unless
732 registered under this chapter;

733 (b) Refuse or willfully fail to retain or permit
734 inspection of the records required by Section 73-42-25 or fail to
735 provide the Secretary of State with any statements, documents,
736 records or testimony required by the secretary under Section
737 73-42-5(3) and (4);

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



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

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

742 (f) Fail to notify a student-athlete prior to the
743 student-athlete's signing an agency contract for a particular
744 sport that the signing by the student-athlete may make the
745 student-athlete ineligible to participate as a student-athlete in
746 that sport.

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

749 73-42-29. The commission of any act prohibited by Section
750 73-42-27 by an athlete agent is a felony punishable by a fine of
751 not more than Ten Thousand Dollars (\$10,000.00) or by
752 imprisonment * * * for not more than two (2) years, or both.

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

755 73-42-31. (1) An educational institution has a right of
756 action against an athlete agent or a former student-athlete for
757 damages caused by a violation of this act. In an action under
758 this section, the court may award to the prevailing party costs
759 and reasonable attorney's fees.

760 (2) Damages of an educational institution under subsection
761 (1) include losses and expenses incurred because, as a result of
762 the activities of an athlete agent or former student-athlete, the
763 educational institution was injured by a violation of this chapter



764 or was penalized, disqualified or suspended from participation in
765 athletics by a national association for the promotion and
766 regulation of athletics, by an athletic conference, or by
767 reasonable self-imposed disciplinary action taken to mitigate
768 sanctions.

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

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

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

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

779 73-42-33. The Secretary of State may assess a civil penalty
780 against an athlete agent not to exceed Twenty-five Thousand
781 Dollars (\$25,000.00) for a violation of this chapter.

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

784 73-42-34. (1) If the Secretary of State determines that a
785 person has engaged in or is engaging in an act, practice, or
786 course of business constituting a violation of this chapter or a
787 rule adopted or order issued under this chapter, or that a person
788 has materially aided or is materially aiding in an act, practice,



789 or course of business constituting a violation of this chapter or
790 a rule adopted or order issued under this chapter, then the
791 secretary may:

792 (a) Issue an order directing the person to cease and
793 desist from engaging in the act, practice, or course of business,
794 or to take other action necessary or appropriate to comply with
795 this chapter or any rule adopted or order issued under this
796 chapter;

797 (b) Issue an order imposing an administrative penalty
798 against an athlete agent who violated any provision of this
799 chapter or any rule adopted or order issued under this chapter;
800 and

801 (c) Take any other action authorized under the
802 provisions of this chapter.

803 (2) An order issued under subsection (1) of this section is
804 effective on the date of its issuance. Upon the order's issuance,
805 the Secretary of State shall promptly serve each person subject to
806 the order with a copy of the order and a notice that the order has
807 been entered. The order must include a statement of any civil
808 penalty or other administrative remedy to be imposed under
809 subsection (1) of this section, a statement of the costs of
810 investigation that the secretary will seek to recover, a statement
811 of the reasons for the order, and a statement notifying the person
812 of his or her right to a hearing under Section 73-42-13. If a
813 person subject to the order does not request a hearing in writing



814 within thirty (30) days of the date of the order and none is
815 ordered by the hearing officer, then the order, including the
816 imposition of a civil penalty or requirement for payment of the
817 costs of investigation, shall become final as to that person by
818 operation of law.

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

822 (4) If a petition for judicial review of a final order is
823 not filed in accordance with Section 73-42-37, or the petition is
824 denied by the court, the secretary may file a certified copy of
825 the final order with the clerk of a court in the jurisdiction
826 where enforcement will be sought. The order so filed has the same
827 effect as a judgment of the court and may be recorded, enforced,
828 or satisfied in the same manner as a judgment of the court.

829 (5) If a person does not comply with an order issued under
830 this section, the secretary may petition a court of competent
831 jurisdiction to enforce the order and collect administrative civil
832 penalties and costs imposed under the final order. The court may
833 not require the secretary to post a bond in an action or
834 proceeding under this section. If the court finds, after service
835 and opportunity for hearing, that the person did not comply with
836 the order, the court may adjudge the person in civil contempt of
837 the order. The court may grant any relief the court determines is
838 just and proper in the circumstances.



839 (6) Any person aggrieved by a final order of the secretary
840 may obtain a review of the order in the circuit court of the
841 county of residence of the athlete agent, the student-athlete, or
842 the public or private college, university, community or junior
843 college in the state that issued an athletic scholarship to the
844 student-athlete, by filing within thirty (30) days after the entry
845 of the order, a written petition praying that the order be
846 modified or set aside, in whole or in part. A copy of the
847 petition shall be served upon the secretary, and the secretary
848 shall certify and file with the court a copy of the record and
849 evidence upon which the order was entered. When these have been
850 filed, the court has exclusive jurisdiction to affirm, modify,
851 enforce or set aside the order, in whole or in part. The findings
852 of the secretary as to the facts, if supported by competent
853 material and substantial evidence, are conclusive. The beginning
854 of proceedings under this subsection does not operate as a stay of
855 the secretary's order, unless specifically ordered by the court.

856 **SECTION 24.** Section 73-42-35, Mississippi Code of 1972, is
857 brought forward as follows:

858 73-42-35. In applying and construing this uniform act,
859 consideration must be given to the need to promote uniformity of
860 the law with respect to its subject matter among states that enact
861 it.

862 **SECTION 25.** Section 73-42-37, Mississippi Code of 1972, is
863 brought forward as follows:



864 73-42-37. The provisions of this chapter modify, limit and
865 supersede the federal Electronic Signatures in Global and National
866 Commerce Act, 15 USCS Section 7001, et seq., except that those
867 provisions do not modify, limit, or supersede Section 101(c) of
868 that act, 15 USCS Section 7001(c), and do not authorize electronic
869 delivery of any of the notices described in Section 103(b) of that
870 act, 15 USCS Section 7003(b).

871 **SECTION 26.** Section 73-42-39, Mississippi Code of 1972, is
872 brought forward as follows:

873 73-42-39. The Secretary of State may promulgate rules and
874 regulations necessary to administer, carry out and enforce this
875 chapter and to define terms whether or not used in this chapter,
876 but those definitions may not be inconsistent with this chapter.

877 **SECTION 27.** Section 93-19-17, Mississippi Code of 1972, is
878 amended as follows:

879 93-19-17. (1) All persons eighteen (18) years of age or
880 older, if not otherwise disqualified, or prohibited by law, shall
881 have the capacity to enter into binding contractual relationships
882 affecting the use of their name, image or likeness while
883 participating in intercollegiate sports as student-athletes.
884 Nothing in this section shall be construed to affect any contracts
885 entered into prior to July 1, 2021.

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



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

891 (3) For purposes of this section:

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

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

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

