

By: Senator(s) Boyd, Sparks, Blackmon,
Norwood

To: Universities and
Colleges

SENATE BILL NO. 2417
(As Passed the Senate)

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 (* * * f) "Third party" means * * * any individual or
101 entity 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 other agreement for compensation for the
143 use of a student athlete's publicity rights is entered into, and



144 before 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 Student-athlete agreements, proposed agreements and any
152 document that compile, summarize or disclose any of the terms of
153 such agreements shall be exempt from the Mississippi Public
154 Records Act of 1983.

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

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

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

167 (3) * * * Nothing in this chapter shall restrict a
168 postsecondary educational institution from exercising its sole



169 discretion to control the authorized use of its marks or logos or
170 to determine a student-athlete's apparel, gear or other wearables
171 while participating in an intercollegiate athletics program
172 activity.

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

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

188 (6) * * * A third party may not enter into, or offer to
189 enter into, a publicity rights agreement with a student-athlete or
190 otherwise compensate a student-athlete for the use of the
191 student-athlete's publicity rights if a provision of the agreement
192 or the use of the student-athlete's publicity rights conflicts
193 with a provision of a contract, rule, regulation, standard or



194 other requirement of the postsecondary educational institution
195 unless such contract or use is expressly approved in writing by
196 the postsecondary educational institution.

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

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

216 (9) * * * No postsecondary educational institution may use
217 funds appropriated from the State General Fund for the purpose of



218 entering into a publicity rights agreement with a student-athlete
219 and/or third party.

220 * * *

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

223 37-97-109. * * * (1) No postsecondary educational
224 institution or any officer, trustee, or employee of a
225 postsecondary educational institution shall be subject to a claim
226 for damages related to their adoption, implementation, or
227 enforcement of any contract, rule, regulation, standard or other
228 requirement in compliance with this chapter. This chapter is not
229 intended to and shall not waive or diminish any applicable
230 defenses and immunities, including, without limitation, sovereign
231 immunity applicable to public postsecondary educational
232 institutions.

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

237 (a) Enforce a contract term, a rule, a regulation, a
238 standard, a bylaw, guidance, or any other requirement that
239 penalizes the institution, the institution's intercollegiate
240 athletic program, or student-athlete for performing, participating
241 in, or allowing an activity required or authorized by this
242 chapter;



243 (b) Prevent a postsecondary educational institution
244 from or penalize it for establishing agreements with a third-party
245 entity to act on the institution's behalf to identify, create,
246 solicit, facilitate, negotiate, support, assist, and otherwise
247 enable opportunities for a student-athlete to earn compensation
248 from their publicity rights; or

249 (c) Penalize a postsecondary educational institution
250 because an individual or entity whose purpose includes supporting
251 and benefiting the postsecondary institution or its
252 intercollegiate athletic programs violates any contract term, a
253 rule, a regulation, a standard, a bylaw, guidance, or any other
254 requirement that is in conflict with actions required or
255 authorized by this chapter.

256 (3) A person or entity, regardless of residence, shall not
257 give or promise compensation for the use of publicity rights of a
258 student-athlete that is currently enrolled in or has signed a
259 National Letter of Intent or other written agreement to enroll in
260 a postsecondary educational institution within the State of
261 Mississippi with the purpose of recruiting or inducing the
262 student-athlete to enroll at another postsecondary educational
263 institution.

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

266 73-42-1. This chapter may be cited as the "Uniform Athlete
267 Agents Act."



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

270 73-42-3. In this chapter:

271 (a) "Agency contract" means an agreement in which a
272 student-athlete authorizes a person to negotiate or solicit on
273 behalf of the student-athlete a professional-sports-services
274 contract, an endorsement contract, compensation for the use of the
275 student-athlete's * * * publicity rights, or enrollment at any
276 educational institution that offers an athletic scholarship to the
277 student-athlete; provided, however, that an agency contract shall
278 not provide for athlete agent compensation that exceeds twenty
279 percent (20%) of the agency contract.

280 (b) "Athlete agent" means an individual who enters into
281 an agency contract with a student-athlete or, directly or
282 indirectly, recruits, induces or solicits a student-athlete to
283 enter into an agency contract. The term does not include a
284 spouse, parent, sibling, grandparent or guardian of the
285 student-athlete or an individual acting solely on behalf of a
286 professional sports team or professional sports organization. The
287 term includes an individual who represents to the public that the
288 individual is an athlete agent.

289 (c) "Athletic director" means an individual responsible
290 for administering the overall athletic program of an educational
291 institution or, if an educational institution has separately
292 administered athletic programs for male students and female



293 students, the athletic program for males or the athletic program
294 for females, as appropriate.

295 (d) "Contact" means a communication, direct or
296 indirect, written or oral, between an athlete agent and a
297 student-athlete, to recruit, induce or solicit the student-athlete
298 to enter into an agency contract.

299 (e) "Endorsement contract" means:

300 (i) An agreement under which a student-athlete is
301 employed or receives consideration or anything of value for the
302 student-athlete's publicity, reputation, following, or fame
303 obtained because of the student-athlete's athletic ability or
304 performance; and

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

308 (f) "Intercollegiate sport" means a sport played at the
309 collegiate level for which eligibility requirements for
310 participation by a student-athlete are established by a national
311 association for the promotion or regulation of collegiate
312 athletics.

313 (g) "Person" means an individual, corporation, business
314 trust, estate, trust, partnership, limited liability company,
315 association, joint venture, government; governmental subdivision,
316 agency or instrumentality; public corporation, or any other legal
317 or commercial entity.



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

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

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

327 (k) "State" means a state of the United States, the
328 District of Columbia, Puerto Rico, the United States Virgin
329 Islands, or any territory or insular possession subject to the
330 jurisdiction of the United States.

331 (l) "Student-athlete" means an individual who engages
332 in, is eligible to engage in, or may be eligible in the future to
333 engage in, a sport for a professional sports team or in any
334 intercollegiate sport at any educational institution. If an
335 individual is permanently ineligible to participate in a
336 particular intercollegiate sport, the individual is not a
337 student-athlete for purposes of that sport.

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

340 73-42-5. (1) The Secretary of State shall administer this
341 chapter.



342 (2) By engaging in the business of an athlete agent in this
343 state, a nonresident individual appoints the Secretary of State as
344 the individual's agent to accept service of process in any civil
345 action related to the individual's business as an athlete agent in
346 this state.

347 (3) The Secretary of State may:

348 (a) Conduct public or private investigations within or
349 outside of this state which he considers necessary or appropriate
350 to determine whether a person has violated, is violating, or is
351 about to violate any provision of this chapter or a rule adopted
352 under this chapter, or to aid in the enforcement of this chapter
353 or in the adoption of rules and forms under this chapter;

354 (b) Require or permit a person to testify, file a
355 statement, or produce a record, under oath or otherwise as he may
356 determine, as to all facts and circumstances concerning a matter
357 to be investigated or about which an action or proceeding is to be
358 instituted; and

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

363 (4) For the purpose of an investigation under this chapter,
364 the Secretary of State or his designated officer may administer
365 oaths and affirmations, subpoena witnesses, seek compulsion of
366 attendance, take evidence, require the filing of statements, and



367 require the production of any records that the Secretary of State
368 considers relevant or material to the investigation.

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

371 73-42-7. (1) Except as otherwise provided in subsection
372 (2), an individual may not act as an athlete agent in this state
373 before being issued a certificate of registration under Section
374 73-42-11 or 73-42-15.

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

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

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

386 73-42-9. (1) An applicant for registration shall submit an
387 application for registration to the Secretary of State in a form
388 prescribed by the Secretary of State. An application filed under
389 this section is a public record. Except as otherwise provided in
390 subsection (2), the application must be in the name of an



391 individual, signed by the applicant under penalty of perjury and
392 must state or contain:

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

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

397 (c) Any business or occupation engaged in by the
398 applicant for the five (5) years next preceding the date of
399 submission of the application;

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

401 (i) Formal training as an athlete agent;

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

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

405 (e) The names and addresses of three (3) individuals
406 not related to the applicant who are willing to serve as
407 references;

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

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

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



416 (ii) With respect to a company or corporation
417 employing the athlete agent, the officers, directors and any
418 shareholder of the corporation or member with a five percent (5%)
419 or greater interest;

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

424 (i) Whether there has been any administrative or
425 judicial determination that the applicant or any other person
426 named pursuant to paragraph (g) has made a false, misleading,
427 deceptive or fraudulent representation;

428 (j) Any instance in which the conduct of the applicant
429 or any other person named pursuant to paragraph (g) resulted in
430 the imposition of a sanction, suspension or declaration of
431 ineligibility to participate in an interscholastic or
432 intercollegiate athletic event on a student-athlete or educational
433 institution;

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

437 (l) Whether there has been any denial of an application
438 for, suspension or revocation of, or refusal to renew, the
439 certification, registration or licensure of the applicant or any



440 other person named pursuant to paragraph (g) as an athlete agent
441 in any state;

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

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

447 (o) Consent to submit to a criminal background check
448 before being issued a certificate of registration. Any fees
449 connected with the background check shall be assessed to the
450 applicant.

451 (2) An individual who has submitted an application for, and
452 received a certificate of, registration or licensure as an athlete
453 agent in another state, may submit a copy of the application and a
454 valid certificate of registration or licensure from the other
455 state in lieu of submitting an application in the form prescribed
456 pursuant to subsection (1), along with the information requested
457 in paragraphs (l), (m), (n) and (o) of subsection (1). The
458 Secretary of State shall accept the application and the
459 certificate from the other state as an application for
460 registration in this state if the application to the other state:

461 (a) Was submitted in the other state within the six (6)
462 months next preceding the submission of the application in this
463 state and the applicant certifies the information contained in the
464 application is current;



465 (b) Contains information substantially similar to or
466 more comprehensive than that required in an application submitted
467 in this state; and

468 (c) Was signed by the applicant under penalty of
469 perjury.

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

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

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

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

483 (d) Sanction, suspension or other disciplinary action
484 taken against the athlete agent arising out of occupational or
485 professional conduct.

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

488 73-42-11. (1) Except as otherwise provided in subsection
489 (3), the Secretary of State shall issue a certificate of



490 registration to an individual who complies with Section
491 73-42-9(1).

492 (2) Except as otherwise provided in subsection (3), the
493 Secretary of State shall issue a certificate of registration to an
494 individual whose application has been accepted under Section
495 73-42-9(2).

496 (3) The Secretary of State may refuse to issue a certificate
497 of registration if he determines that the applicant has engaged in
498 conduct that has a significant adverse effect on the applicant's
499 fitness to serve as an athlete agent. In making the
500 determination, the Secretary of State may consider whether the
501 applicant has:

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

505 (b) Made a materially false, misleading, deceptive or
506 fraudulent representation as an athlete agent or in the
507 application;

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

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

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



514 (f) Engaged in conduct or failed to engage in conduct
515 the consequence of which was that a sanction, suspension or
516 declaration of ineligibility to participate in an interscholastic
517 or intercollegiate athletic event was imposed on a student-athlete
518 or educational institution; or

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

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

523 (a) How recently the conduct occurred;

524 (b) The nature of the conduct and the context in which
525 it occurred; and

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

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

533 (6) An individual who has submitted an application for
534 renewal of registration or licensure in another state, in lieu of
535 submitting an application for renewal in the form prescribed
536 pursuant to subsection (5), may file a copy of the application for
537 renewal and a valid certificate of registration from the other
538 state. The Secretary of State shall accept the application for



539 renewal from the other state as an application for renewal in this
540 state if the application to the other state:

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

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

547 (c) Was signed by the applicant under penalty of
548 perjury.

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

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

554 73-42-13. (1) After proper notice and an opportunity for a
555 hearing, the Secretary of State may deny, suspend, revoke or
556 refuse to renew a registration for conduct that would have
557 justified denial of registration under Section 73-42-11(3) or for
558 a violation of any provision of this chapter.

559 (2) (a) The Secretary of State shall appoint at least one
560 (1) hearing officer for the purpose of holding hearings, compiling
561 evidence and rendering decisions under this section and Section
562 73-42-11. The hearing officer shall fix the date for an
563 adjudicatory hearing and notify the athlete agent involved. The



564 hearing shall be held at a location to be designated by the
565 hearing officer. Unless the time period is extended by the
566 hearing officer, the hearing shall be held not less than fifteen
567 (15) nor more than thirty (30) days after the mailing of notice to
568 the athlete agent involved. At the conclusion of the hearing, the
569 hearing officer shall make a recommendation regarding the
570 registration of the athlete agent involved. The Secretary of
571 State shall then take appropriate action by final order.

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

587 (3) In addition to the reasons specified in subsection (1)
588 of this section, the secretary shall be authorized to suspend the



589 registration of any person for being out of compliance with an
590 order for support, as defined in Section 93-11-153. The procedure
591 for suspension of a registration for being out of compliance with
592 an order for support, and the procedure for the reissuance or
593 reinstatement of a registration suspended for that purpose, and
594 the payment of any fees for the reissuance or reinstatement of a
595 registration suspended for that purpose, shall be governed by
596 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
597 by the secretary in suspending the registration of a person when
598 required by Section 93-11-157 are not actions from which an appeal
599 may be taken under this section. Any appeal of a registration
600 suspension that is required by Section 93-11-157 or 93-11-163
601 shall be taken in accordance with the appeal procedure specified
602 in Section 93-11-157 or 93-11-163, as the case may be, rather than
603 the procedure specified in this section. If there is any conflict
604 between any provision of Section 93-11-157 or 93-11-163 and any
605 provision of this chapter, the provisions of Section 93-11-157 or
606 93-11-163, as the case may be, shall control.

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

609 73-42-15. The Secretary of State may issue a temporary
610 certificate of registration while an application for registration
611 or renewal is pending.

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



614 73-42-17. (1) An application for registration or renewal of
615 registration must be accompanied by a fee in the following amount:

616 (a) Two Hundred Dollars (\$200.00) for an initial
617 application for registration.

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

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

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

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

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

632 73-42-19. (1) An agency contract must be in a record,
633 signed by the parties.

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

635 (a) The amount and method of calculating the
636 consideration to be paid by the student-athlete for services to be
637 provided by the athlete agent under the contract and any other
638 consideration or anything of value that the athlete agent has



639 received or will receive from any other source for entering into
640 the contract or for providing the services;

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

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

646 (d) A description of the services to be provided to the
647 student-athlete;

648 (e) The duration of the contract; and

649 (f) The date of execution.

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

653 **WARNING TO STUDENT-ATHLETE**

654 **IF YOU SIGN THIS CONTRACT:**

655 (1) **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A**
656 **STUDENT-ATHLETE IN YOUR SPORT * * * UNLESS THIS CONTRACT IS**
657 **SERVING AS A PUBLICITY RIGHTS AGREEMENT PURSUANT TO SECTION**
658 **37-97-103;**

659 (2) **BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL**
660 **YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN**
661 **72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND**



662 **(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER**
663 **SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR**
664 **ELIGIBILITY.**

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

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

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

671 73-42-21. (1) Before an athlete agent, or his or her
672 employee or representative, may initiate a first contact, direct
673 or indirect, with any of the individuals listed below, with the
674 intent or for the purpose of soliciting the student-athlete or of
675 procuring employment from the student-athlete, the athlete agent,
676 or his or her employee or representative, must provide the
677 educational institution at which the student-athlete is enrolled
678 with written notification of the planned contact with these
679 individuals:

680 (a) The student-athlete;

681 (b) The student-athlete's spouse, parent, foster
682 parent, guardian, sibling, aunt, uncle, grandparent, child or
683 first cousin; or the parent, foster parent, sibling, aunt, uncle,
684 grandparent, child or first cousin of the student-athlete's
685 spouse; or



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

688 (2) Within seventy-two (72) hours after entering into an
689 agency contract or before the next scheduled athletic event in
690 which the student-athlete may participate, whichever occurs first,
691 the athlete agent shall give notice of the existence of the agency
692 contract to the athletic director of the educational institution
693 at which the student-athlete is enrolled or at which the athlete
694 agent has reasonable grounds to believe the student-athlete
695 intends to enroll.

696 (3) Within seventy-two (72) hours after entering into an
697 agency contract or before the next athletic event in which the
698 student-athlete may participate, whichever occurs first, the
699 student-athlete shall inform the athletic director of the
700 educational institution at which the student-athlete is enrolled
701 that he or she has entered into an agency contract.

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

704 73-42-23. (1) A student-athlete may cancel an agency
705 contract by giving notice to the athlete agent of the cancellation
706 within fourteen (14) days after the date the contract is signed.

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

709 (3) If a student-athlete cancels an agency contract, the
710 student-athlete is not required to pay any consideration under the



711 contract or to return any consideration received from the athlete
712 agent to induce the student-athlete to enter into the contract.

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

715 73-42-25. (1) An athlete agent shall retain the following
716 records for a period of five (5) years:

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

719 (b) Any agency contract entered into by the athlete
720 agent; and

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

723 (2) Records required by subsection (1) to be retained are
724 open to inspection by the Secretary of State during normal
725 business hours.

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

728 73-42-27. (1) An athlete agent may not engage in any of the
729 following activities, within this state or otherwise, with the
730 intent to induce a student-athlete to enter into an agency
731 contract:

732 (a) Give any materially false or misleading information
733 or make a materially false promise or representation;

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



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

738 (2) An athlete agent may not intentionally:

739 (a) Initiate contact with a student-athlete unless
740 registered under this chapter;

741 (b) Refuse or willfully fail to retain or permit
742 inspection of the records required by Section 73-42-25 or fail to
743 provide the Secretary of State with any statements, documents,
744 records or testimony required by the secretary under Section
745 73-42-5(3) and (4);

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

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

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

750 (f) Fail to notify a student-athlete prior to the
751 student-athlete's signing an agency contract for a particular
752 sport that the signing by the student-athlete may make the
753 student-athlete ineligible to participate as a student-athlete in
754 that sport.

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

757 73-42-29. The commission of any act prohibited by Section
758 73-42-27 by an athlete agent is a felony punishable by a fine of
759 not more than Ten Thousand Dollars (\$10,000.00) or by
760 imprisonment * * * for not more than two (2) years, or both.



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

763 73-42-31. (1) An educational institution has a right of
764 action against an athlete agent or a former student-athlete for
765 damages caused by a violation of this act. In an action under
766 this section, the court may award to the prevailing party costs
767 and reasonable attorney's fees.

768 (2) Damages of an educational institution under subsection
769 (1) include losses and expenses incurred because, as a result of
770 the activities of an athlete agent or former student-athlete, the
771 educational institution was injured by a violation of this chapter
772 or was penalized, disqualified or suspended from participation in
773 athletics by a national association for the promotion and
774 regulation of athletics, by an athletic conference, or by
775 reasonable self-imposed disciplinary action taken to mitigate
776 sanctions.

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

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

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



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

787 73-42-33. The Secretary of State may assess a civil penalty
788 against an athlete agent not to exceed Twenty-five Thousand
789 Dollars (\$25,000.00) for a violation of this chapter.

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

792 73-42-34. (1) If the Secretary of State determines that a
793 person has engaged in or is engaging in an act, practice, or
794 course of business constituting a violation of this chapter or a
795 rule adopted or order issued under this chapter, or that a person
796 has materially aided or is materially aiding in an act, practice,
797 or course of business constituting a violation of this chapter or
798 a rule adopted or order issued under this chapter, then the
799 secretary may:

800 (a) Issue an order directing the person to cease and
801 desist from engaging in the act, practice, or course of business,
802 or to take other action necessary or appropriate to comply with
803 this chapter or any rule adopted or order issued under this
804 chapter;

805 (b) Issue an order imposing an administrative penalty
806 against an athlete agent who violated any provision of this
807 chapter or any rule adopted or order issued under this chapter;
808 and



809 (c) Take any other action authorized under the
810 provisions of this chapter.

811 (2) An order issued under subsection (1) of this section is
812 effective on the date of its issuance. Upon the order's issuance,
813 the Secretary of State shall promptly serve each person subject to
814 the order with a copy of the order and a notice that the order has
815 been entered. The order must include a statement of any civil
816 penalty or other administrative remedy to be imposed under
817 subsection (1) of this section, a statement of the costs of
818 investigation that the secretary will seek to recover, a statement
819 of the reasons for the order, and a statement notifying the person
820 of his or her right to a hearing under Section 73-42-13. If a
821 person subject to the order does not request a hearing in writing
822 within thirty (30) days of the date of the order and none is
823 ordered by the hearing officer, then the order, including the
824 imposition of a civil penalty or requirement for payment of the
825 costs of investigation, shall become final as to that person by
826 operation of law.

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

830 (4) If a petition for judicial review of a final order is
831 not filed in accordance with Section 73-42-37, or the petition is
832 denied by the court, the secretary may file a certified copy of
833 the final order with the clerk of a court in the jurisdiction



834 where enforcement will be sought. The order so filed has the same
835 effect as a judgment of the court and may be recorded, enforced,
836 or satisfied in the same manner as a judgment of the court.

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

847 (6) Any person aggrieved by a final order of the secretary
848 may obtain a review of the order in the circuit court of the
849 county of residence of the athlete agent, the student-athlete, or
850 the public or private college, university, community or junior
851 college in the state that issued an athletic scholarship to the
852 student-athlete, by filing within thirty (30) days after the entry
853 of the order, a written petition praying that the order be
854 modified or set aside, in whole or in part. A copy of the
855 petition shall be served upon the secretary, and the secretary
856 shall certify and file with the court a copy of the record and
857 evidence upon which the order was entered. When these have been
858 filed, the court has exclusive jurisdiction to affirm, modify,



859 enforce or set aside the order, in whole or in part. The findings
860 of the secretary as to the facts, if supported by competent
861 material and substantial evidence, are conclusive. The beginning
862 of proceedings under this subsection does not operate as a stay of
863 the secretary's order, unless specifically ordered by the court.

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

866 73-42-35. In applying and construing this uniform act,
867 consideration must be given to the need to promote uniformity of
868 the law with respect to its subject matter among states that enact
869 it.

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

872 73-42-37. The provisions of this chapter modify, limit and
873 supersede the federal Electronic Signatures in Global and National
874 Commerce Act, 15 USCS Section 7001, et seq., except that those
875 provisions do not modify, limit, or supersede Section 101(c) of
876 that act, 15 USCS Section 7001(c), and do not authorize electronic
877 delivery of any of the notices described in Section 103(b) of that
878 act, 15 USCS Section 7003(b).

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

881 73-42-39. The Secretary of State may promulgate rules and
882 regulations necessary to administer, carry out and enforce this



883 chapter and to define terms whether or not used in this chapter,
884 but those definitions may not be inconsistent with this chapter.

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

887 93-19-17. (1) All persons eighteen (18) years of age or
888 older, if not otherwise disqualified, or prohibited by law, shall
889 have the capacity to enter into binding contractual relationships
890 affecting the use of their * * * publicity rights while
891 participating in intercollegiate sports as student-athletes in
892 accordance with the Mississippi Intercollegiate Athletics
893 Compensation and Publicity Rights Act. Nothing in this section
894 shall be construed to affect any contracts entered into prior to
895 July 1, 2021.

896 (2) In any legal action founded on a student-athlete * * *
897 publicity rights contract entered into by a person eighteen (18)
898 years of age or older, the person may sue in his or her own name
899 as an adult and be sued in his or her own name as an adult and be
900 served with process as an adult.

901 (3) For purposes of this section:

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



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

914 **SECTION 28.** This act shall take effect and be in force from
915 and after its passage.

