

By: Senator(s) Boyd

To: Universities and
Colleges

SENATE BILL NO. 2517

1 AN ACT TO BRING FORWARD SECTIONS 37-97-103, 37-97-105,
2 37-97-107 and 37-97-109, MISSISSIPPI CODE OF 1972, WHICH ARE
3 PROVISIONS ESTABLISHING THE "MISSISSIPPI INTERCOLLEGIATE ATHLETICS
4 COMPENSATION RIGHTS ACT," FOR THE PURPOSE OF POSSIBLE AMENDMENT;
5 TO BRING FORWARD SECTIONS 73-42-3, 73-42-5, 73-42-7, 73-42-9,
6 73-42-11, 73-42-13, 73-42-15, 73-42-17, 73-42-19, 73-42-21,
7 73-42-23, 73-42-25, 73-42-27, 73-42-29, 73-42-31, 73-42-33,
8 73-42-34, 73-42-35, 73-42-37 AND 73-42-39, MISSISSIPPI CODE OF
9 1972, WHICH ARE PROVISIONS ESTABLISHING THE "UNIFORM ATHLETE
10 AGENTS ACT," FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR
11 RELATED PURPOSES.

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

13 **SECTION 1.** Section 37-97-103, Mississippi Code of 1972, is
14 brought forward as follows:

15 37-97-103. As used in this article, the following terms
16 shall have the following meanings unless the context clearly
17 indicates otherwise:

18 (a) "Compensation" means any remuneration, in cash or
19 in kind, whether provided at the time or at any subsequent date,
20 to a student-athlete.

21 For the purposes of this article, "compensation" shall not
22 mean any grant, scholarship, fellowship, tuition assistance, or



23 other form of financial aid provided to a student for pursuing a
24 post-secondary education.

25 (b) "Intercollegiate athletics program" means an
26 intercollegiate athletics sport played at the collegiate level for
27 which eligibility requirements for participation by a
28 student-athlete are established by a national association,
29 conference or any other group or organization with authority over
30 the sport, that promotes or regulates collegiate athletics.

31 (c) "Publicity Rights" means any right associated with
32 the name, image, likeness, publicity, reputation, fame, or
33 personal following of a student recognized under federal or state
34 law as permitting an individual to control or profit from the use
35 of the same.

36 (d) "Postsecondary educational institution" means a
37 public university or community college or private university or
38 college.

39 (e) "Student-athlete" means an individual who is
40 enrolled in or has signed a National Letter of Intent or other
41 written agreement to enroll in a postsecondary educational
42 institution or is being recruited by a postsecondary educational
43 institution to participate in an intercollegiate athletics
44 program. If an individual is permanently ineligible to
45 participate in a particular intercollegiate sport, the individual
46 is not a student-athlete for purposes of that sport.



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

SECTION 2. Section 37-97-105, Mississippi Code of 1972, is brought forward as follows:

37-97-105. (1) A postsecondary educational institution or any officer, trustee, or employee, of a postsecondary educational institution, shall have the right to, directly or through an agreement with a third party, identify, create, solicit, facilitate, negotiate, support, assist and otherwise enable opportunities for a student-athlete to earn or attempt to earn compensation for the use of the student-athlete's publicity rights. Such right shall include, without limitation, the right to discuss with a student-athlete the potential to earn compensation for their publicity rights if they attend the postsecondary educational institution. Provided that a postsecondary educational institution or any officer, trustee, or employee, of a postsecondary educational institution does not:

(a) Receive compensation from the student-athlete for facilitating, enabling, or assisting with such opportunities;

(b) Attempt to influence a student-athlete's choice of professional representation related to such opportunities; or

(c) Attempt in bad faith to reduce such student-athlete's opportunities from competing third parties.



72 (2) A third party shall have the right to compensate a
73 student-athlete for the use of the student-athlete's publicity
74 rights. This shall include the right to compensate the
75 student-athlete for the use of the student-athlete's publicity
76 rights in connection with the promotion of an athletic event in
77 which the student-athlete may participate, the promotion of the
78 postsecondary educational institution the student-athlete attends,
79 and the promotion of the postsecondary educational institution's
80 intercollegiate athletics programs.

81 (3) A postsecondary educational institution or officer,
82 trustee, or employee of a postsecondary institution shall have the
83 right to compensate a student-athlete for the use of the
84 student-athlete's publicity rights to the extent consistent with
85 any legally enforceable rules of a national association, a
86 conference or any other group or organization with authority over
87 the sport, that promotes or regulates collegiate athletics
88 applicable to that institution. Before any agreement for
89 compensation for the use of a student-athlete's publicity rights
90 is entered into, and before any compensation is provided to the
91 student-athlete, a postsecondary educational institution may
92 require a student-athlete enrolled at that institution or who has
93 announced an intention to attend that institution, to disclose the
94 agreement or the terms thereof to a designated official of the
95 postsecondary educational institution in which the student-athlete



is enrolled or intends to enroll in a manner prescribed by the institution.

Student-athlete agreements, proposed agreements and any documents that compile, summarize or disclose any of the terms of such agreements shall be exempt from the Mississippi Public Records Act of 1983. Postsecondary educational institutions and student-athletes shall not be compelled to disclose student-athlete agreements, proposed agreements and any documents that compile, summarize or disclose any of the terms of such agreements to a national association, a conference or any other group or organization with authority over the sport, that promotes or regulates collegiate athletics.

SECTION 3. Section 37-97-107, Mississippi Code of 1972, is brought forward as follows:

37-97-107. (1) An agreement for the use of a student-athlete's publicity rights which is formed after the student-athlete has announced an intention to attend a postsecondary educational institution or while the student-athlete is participating in an intercollegiate sport at a postsecondary educational institution may be terminated either by the student-athlete or any other party to the agreement when the student-athlete's participation in the sport at the institution ends.



119 (2) A postsecondary educational institution may impose
120 reasonable limitations on the dates and time that a
121 student-athlete may participate in publicity rights activities.

122 (3) Nothing in this chapter shall restrict a postsecondary
123 educational institution from exercising its sole discretion to
124 control the authorized use of its marks or logos or to determine a
125 student-athlete's apparel, gear or other wearables while
126 participating in an intercollegiate athletics program activity.

127 (4) A student-athlete may not receive or enter into a
128 contract for compensation for the use of his or her publicity
129 rights in a way that also uses any registered or licensed marks,
130 logos, verbiage or designs of a postsecondary educational
131 institution, unless the institution has provided the
132 student-athlete with written permission to do so prior to entering
133 into the agreement or receipt of compensation.

134 (5) If a student-athlete is granted permission to use the
135 marks or logos, independently or through a third party, the
136 postsecondary educational institution may be compensated for the
137 use. A postsecondary educational institution may prohibit a
138 student-athlete from wearing any item of clothing, shoes, or other
139 gear or wearables with the name, logo or insignia of any third
140 party while participating in an intercollegiate athletics program
141 activity.

142 (6) A third party may not enter into, or offer to enter
143 into, a publicity rights agreement with a student-athlete or



otherwise compensate a student-athlete for the use of the student-athlete's publicity rights if a provision of the agreement or the use of the student-athlete's publicity rights conflicts with a provision of a contract, rule, regulation, standard or other requirement of the postsecondary educational institution where the student-athlete is enrolled or intends to enroll unless such contract or use is expressly approved in writing by the postsecondary educational institution.

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



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

(9) No postsecondary educational institution may use funds appropriated from the State General Fund to compensate a student-athlete for their publicity rights.

SECTION 4. Section 37-97-109, Mississippi Code of 1972, is brought forward as follows:

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

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

(a) Enforce a contract term, a rule, a regulation, a standard, a bylaw, guidance, or any other requirement that penalizes the institution, the institution's intercollegiate athletics program, or student-athlete for performing,



193 participating in, or allowing an activity required or authorized
194 by this chapter;

195 (b) Prevent a postsecondary educational institution
196 from or penalize it for establishing agreements with a third-party
197 entity to act on the institution's behalf to identify, create,
198 solicit, facilitate, negotiate, support, assist, and otherwise
199 enable opportunities for a student-athlete to earn compensation
200 from their publicity rights; or

201 (c) Penalize a postsecondary educational institution
202 because an individual or entity whose purpose includes supporting
203 and benefiting the postsecondary institution or its
204 intercollegiate athletic programs violates any contract term, a
205 rule, a regulation, a standard, a bylaw, guidance, or any other
206 requirement that is in conflict with actions required or
207 authorized by this chapter.

208 (3) A person or entity, regardless of residence, shall not
209 give or promise compensation for the use of publicity rights of a
210 student-athlete that is currently enrolled in or has signed a
211 National Letter of Intent or other written agreement to enroll in
212 a postsecondary educational institution within the State of
213 Mississippi with the purpose of recruiting or inducing the
214 student-athlete to enroll at another postsecondary educational
215 institution.

216 **SECTION 5.** Section 73-42-3, Mississippi Code of 1972, is
217 brought forward as follows:



73-42-3. In this chapter:

(a) "Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract, an endorsement contract, or compensation for the use of the student-athlete's publicity rights; provided, however, that an agency contract shall not provide for athlete agent compensation that exceeds twenty percent (20%) of the agency contract.

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

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

(d) "Contact" means a communication, direct or indirect, written or oral, between an athlete agent and a



student-athlete, to recruit, induce or solicit the student-athlete to enter into an agency contract.

(e) "Endorsement contract" means an agreement under which a student-athlete receives compensation or anything of value for the student-athlete's publicity rights.

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

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

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

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

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



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

(l) "Student-athlete" means an individual who is enrolled in or has signed a National Letter of Intent or other written agreement to enroll in a postsecondary educational institution or is being recruited by a postsecondary educational institution to participate in an intercollegiate athletics program. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student-athlete for purposes of that sport.

SECTION 6. Section 73-42-5, Mississippi Code of 1972, is brought forward as follows:

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

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

(3) The Secretary of State may:

(a) Conduct public or private investigations within or outside of this state which they consider necessary or appropriate to determine whether a person has violated, is violating, or is



about to violate any provision of this chapter or a rule adopted under this chapter, or to aid in the enforcement of this chapter or in the adoption of rules and forms under this chapter;

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

(c) Publish a record concerning an action, proceeding, or an investigation under, or a violation of, this chapter or a rule adopted under this chapter if they determine it is necessary or appropriate in the public interest.

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

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

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



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

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

SECTION 8. Section 73-42-9, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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



342 (d) A description of the applicant's:
343 (i) Formal training as an athlete agent;
344 (ii) Practical experience as an athlete agent; and
345 (iii) Educational background relating to the
346 applicant's activities as an athlete agent;
347 (e) The names and addresses of three (3) individuals
348 not related to the applicant who are willing to serve as
349 references;
350 (f) The name, sport and last known team for each
351 individual for whom the applicant provided services as an athlete
352 agent during the five (5) years next preceding the date of
353 submission of the application;
354 (g) The names and addresses of all persons who are:
355 (i) With respect to the athlete agent's business
356 if it is not a corporation, the partners, officers, associates,
357 individuals or profit-sharers; and
358 (ii) With respect to a company or corporation
359 employing the athlete agent, the officers, directors and any
360 shareholder of the corporation or member with a five percent (5%)
361 or greater interest;
362 (h) Whether the applicant or any other person named
363 pursuant to paragraph (g) has been convicted of a crime that, if
364 committed in this state, would be a felony or other crime
365 involving moral turpitude, and identify the crime;



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

SECTION 9. Section 73-42-11, Mississippi Code of 1972, is brought forward as follows:

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

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

(3) The Secretary of State may refuse to issue a certificate of registration if they determine that the applicant has engaged in conduct that has a significant adverse effect on the



441 applicant's fitness to serve as an athlete agent. In making the
442 determination, the Secretary of State may consider whether the
443 applicant has:

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

447 (b) Made a materially false, misleading, deceptive or
448 fraudulent representation as an athlete agent or in the
449 application;

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

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

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

456 (f) Engaged in conduct or failed to engage in conduct
457 the consequence of which was that a sanction, suspension or
458 declaration of ineligibility to participate in an interscholastic
459 or intercollegiate athletic event was imposed on a student-athlete
460 or educational institution; or

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

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

465 (a) How recently the conduct occurred;



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

(c) Any other relevant conduct of the applicant.

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

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

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

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

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



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

SECTION 10. Section 73-42-13, Mississippi Code of 1972, is brought forward as follows:

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

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

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



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

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



suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 11. Section 73-42-15, Mississippi Code of 1972, is brought forward as follows:

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

SECTION 12. Section 73-42-17, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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



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

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

571 **SECTION 13.** Section 73-42-19, Mississippi Code of 1972, is
572 brought forward as follows:

573 73-42-19. (1) An agency contract must be in a record,
574 signed by the parties.

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

576 (a) The amount and method of calculating the
577 consideration to be paid by the student-athlete for services to be
578 provided by the athlete agent under the contract and any other
579 consideration or anything of value that the athlete agent has
580 received or will receive from any other source for entering into
581 the contract or for providing the services;

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

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

587 (d) A description of the services to be provided to the
588 student-athlete;



589 (e) The duration of the contract; and

590 (f) The date of execution.

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

594 **WARNING TO STUDENT-ATHLETE**

595 **IF YOU SIGN THIS CONTRACT:**

596 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A
597 STUDENT-ATHLETE IN YOUR SPORT UNLESS THIS CONTRACT IS SERVING AS A
598 PUBLICITY RIGHTS AGREEMENT PURSUANT TO SECTION 37-97-103;

599 (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL
600 YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN
601 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND

602 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
603 SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR
604 ELIGIBILITY.

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

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

609 **SECTION 14.** Section 73-42-21, Mississippi Code of 1972, is
610 brought forward as follows:

611 73-42-21. (1) Before an athlete agent, or his or her
612 employee or representative, may initiate a first contact, direct
613 or indirect, with any of the individuals listed below, with the



intent or for the purpose of soliciting the student-athlete or of procuring an agency contract from the student-athlete, the athlete agent, or his or her employee or representative, must provide the educational institution at which the student-athlete is enrolled with written notification of the planned contact with these individuals:

(a) The student-athlete;

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

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

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

(3) Within seventy-two (72) hours after entering into an agency contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the



639 student-athlete shall inform the athletic director of the
640 educational institution at which the student-athlete is enrolled
641 or intends to enroll that he or she has entered into an agency
642 contract.

643 **SECTION 15.** Section 73-42-23, Mississippi Code of 1972, is
644 brought forward as follows:

645 73-42-23. (1) A student-athlete may cancel an agency
646 contract by giving notice to the athlete agent of the cancellation
647 within fourteen (14) days after the date the contract is signed.

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

650 (3) If a student-athlete cancels an agency contract, the
651 student-athlete is not required to pay any consideration under the
652 contract or to return any consideration received from the athlete
653 agent to induce the student-athlete to enter into the contract.

654 **SECTION 16.** Section 73-42-25, Mississippi Code of 1972, is
655 brought forward as follows:

656 73-42-25. (1) An athlete agent shall retain the following
657 records for a period of five (5) years:

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

660 (b) Any agency contract entered into by the athlete
661 agent; and

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



664 (2) Records required by subsection (1) to be retained are
665 open to inspection by the Secretary of State during normal
666 business hours.

667 **SECTION 17.** Section 73-42-27, Mississippi Code of 1972, is
668 brought forward as follows:

669 73-42-27. (1) An athlete agent may not engage in any of the
670 following activities, within this state or otherwise, with the
671 intent to induce a student-athlete to enter into an agency
672 contract:

673 (a) Give any materially false or misleading information
674 or make a materially false promise or representation;

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

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

679 (2) An athlete agent may not intentionally:

680 (a) Initiate contact with a student-athlete unless
681 registered under this chapter;

682 (b) Refuse or willfully fail to retain or permit
683 inspection of the records required by Section 73-42-25 or fail to
684 provide the Secretary of State with any statements, documents,
685 records or testimony required by the secretary under Section
686 73-42-5(3) and (4);

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



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

(e) Predate or postdate an agency contract; or

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

SECTION 18. Section 73-42-29, Mississippi Code of 1972, is brought forward as follows:

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

SECTION 19. Section 73-42-31, Mississippi Code of 1972, is brought forward as follows:

73-42-31. (1) An educational institution has a right of action against an athlete agent or a former student-athlete for damages caused by a violation of this act. In an action under this section, the court may award to the prevailing party costs and reasonable attorney's fees, except that costs and attorney's fees shall not be levied against a public educational institution.

(2) Damages of an educational institution under subsection (1) include losses and expenses incurred because, as a result of the activities of an athlete agent or former student-athlete, the



educational institution was injured by a violation of this chapter or was penalized, disqualified or suspended from participation in athletics by a national association, a conference or any other group or organization with authority over the sport, that promotes or regulates collegiate athletics or by reasonable self-imposed disciplinary action taken to mitigate sanctions.

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

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

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

SECTION 20. Section 73-42-33, Mississippi Code of 1972, is brought forward as follows:

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

SECTION 21. Section 73-42-34, Mississippi Code of 1972, is brought forward as follows:

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



has materially aided or is materially aiding in an act, practice, or course of business constituting a violation of this chapter or a rule adopted or order issued under this chapter, then the secretary may:

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

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

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

(2) An order issued under subsection (1) of this section is effective on the date of its issuance. Upon the order's issuance, the Secretary of State shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement of any civil penalty or other administrative remedy to be imposed under subsection (1) of this section, a statement of the costs of investigation that the secretary will seek to recover, a statement of the reasons for the order, and a statement notifying the person of his or her right to a hearing under Section 73-42-13. If a



763 person subject to the order does not request a hearing in writing
764 within thirty (30) days of the date of the order and none is
765 ordered by the hearing officer, then the order, including the
766 imposition of a civil penalty or requirement for payment of the
767 costs of investigation, shall become final as to that person by
768 operation of law.

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

772 (4) If a petition for judicial review of a final order is
773 not filed in accordance with Section 73-42-37, or the petition is
774 denied by the court, the secretary may file a certified copy of
775 the final order with the clerk of a court in the jurisdiction
776 where enforcement will be sought. The order so filed has the same
777 effect as a judgment of the court and may be recorded, enforced,
778 or satisfied in the same manner as a judgment of the court.

779 (5) If a person does not comply with an order issued under
780 this section, the secretary may petition a court of competent
781 jurisdiction to enforce the order and collect administrative civil
782 penalties and costs imposed under the final order. The court may
783 not require the secretary to post a bond in an action or
784 proceeding under this section. If the court finds, after service
785 and opportunity for hearing, that the person did not comply with
786 the order, the court may adjudge the person in civil contempt of



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

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

SECTION 22. Section 73-42-35, Mississippi Code of 1972, is brought forward as follows:

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



811 **SECTION 23.** Section 73-42-37, Mississippi Code of 1972, is
812 brought forward as follows:

813 73-42-37. The provisions of this chapter modify, limit and
814 supersede the federal Electronic Signatures in Global and National
815 Commerce Act, 15 USCS Section 7001, et seq., except that those
816 provisions do not modify, limit, or supersede Section 101(c) of
817 that act, 15 USCS Section 7001(c), and do not authorize electronic
818 delivery of any of the notices described in Section 103(b) of that
819 act, 15 USCS Section 7003(b).

820 **SECTION 24.** Section 73-42-39, Mississippi Code of 1972, is
821 brought forward as follows:

822 73-42-39. The Secretary of State may promulgate rules and
823 regulations necessary to administer, carry out and enforce this
824 chapter and to define terms whether or not used in this chapter,
825 but those definitions may not be inconsistent with this chapter.

826 **SECTION 25.** This act shall take effect and be in force from
827 and after July 1, 2025.

