

By: Senator(s) Boyd

To: Universities and
Colleges

SENATE BILL NO. 2517
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-97-103, MISSISSIPPI CODE OF 1972,
2 TO DEFINE TERMS; TO AMEND SECTION 37-97-105, MISSISSIPPI CODE OF
3 1972, TO ALLOW POSTSECONDARY EDUCATIONAL INSTITUTIONS TO SHARE A
4 PORTION OF ATHLETICS-RELATED REVENUE WITH STUDENT-ATHLETES OR
5 COMPENSATE STUDENT-ATHLETES FOR PUBLICITY RIGHTS; TO REMOVE
6 CERTAIN PROVISIONS; TO AMEND SECTION 37-97-107, MISSISSIPPI CODE
7 OF 1972, TO INCLUDE STUDENT-ATHLETES WHO HAVE GIVEN NOTICE TO
8 THEIR CURRENT INSTITUTION OF AN INTENT TO TRANSFER; TO AMEND
9 SECTION 37-97-109, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CIVIL
10 LIABILITY DUE TO CERTAIN VIOLATIONS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-97-103, Mississippi Code of 1972, is
13 amended as follows:

14 37-97-103. As used in this article, the following terms
15 shall have the following meanings unless the context clearly
16 indicates otherwise:

17 (a) "Compensation" means any remuneration, in cash or
18 in kind, whether provided at the time or at any subsequent date,
19 to a student-athlete. For the purposes of this article,
20 "compensation" shall not mean any grant, scholarship, fellowship,
21 tuition assistance, or other form of financial aid provided to a
22 student for pursuing a post-secondary education.



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

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

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

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

45 (f) "Third party" means any individual or entity or
46 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.

(g) "Athletics financial aid agreement" means any agreement between a post-secondary educational institution and a student-athlete for the provision of athletics-related financial aid.

(h) "Athletics-related revenue" means revenue generated from ticket sales, game guarantees, media rights, NCAA distributions, conference distributions, royalties, licensing, advertisement and sponsorships and football bowl games as currently set forth in categories 1, 7, 11, 12, 13, 13A, 15, and 19 of the 2024 Revenue Categories used in the NCAA Membership Financial Reporting System.

(i) "Revenue sharing agreement" means an agreement with a student-athlete to share athletics-related revenue.

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

37-97-105. (1) A postsecondary educational institution * * * shall have the right to, directly or through an agreement with a third party, share a portion of the postsecondary educational institution's athletics-related revenue with a student-athlete or compensate a student-athlete for his or her publicity rights.

(2) A postsecondary educational institution or any officer, trustee or employee of a postsecondary educational institution



72 shall have the right to identify, create, solicit, facilitate,
73 negotiate, support, assist and otherwise enable opportunities for
74 a student-athlete to earn or attempt to earn compensation for the
75 use of the student-athlete's publicity rights. Such right shall
76 include, without limitation, the right to discuss with a
77 student-athlete the potential to earn compensation for * * * his
78 or her publicity rights if * * * he or she attends the
79 postsecondary educational institution. Provided that a
80 postsecondary educational institution or any officer, trustee, or
81 employee, of a postsecondary educational institution does not:

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

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

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

88 (* * * 3) A third party shall have the right to compensate a
89 student-athlete for the use of the student-athlete's publicity
90 rights. * * *

91 (* * * 4) * * * Before any agreement with a third party for
92 compensation for the use of a student-athlete's publicity rights
93 is entered into, and before any compensation is provided to the
94 student-athlete, a postsecondary educational institution may
95 require a student-athlete enrolled at that institution or who
96 has * * * signed an athletics financial aid agreement to disclose



the agreement or the terms thereof to a designated official of the postsecondary educational institution in which the student-athlete is enrolled or intends to enroll in a manner prescribed by the institution.

* * * (5) Agreements, or proposed agreements, contemplated by this act 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. * * *

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

37-97-107. (1) * * * A third-party agreement for the use of a student-athlete's publicity rights which is formed after the student-athlete * * * signs an athletics financial aid agreement to attend a postsecondary educational institution or has given notice to his or her current post-secondary educational institution of an intent to transfer 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.

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



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

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

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

141 (6) A third party may not enter into, or offer to enter
142 into, a publicity rights agreement with a student-athlete or
143 otherwise compensate a student-athlete for the use of the
144 student-athlete's publicity rights if a provision of the agreement
145 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 share revenue or to compensate a student-athlete for * * * his or her publicity rights.

SECTION 4. Section 37-97-109, Mississippi Code of 1972, is amended 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, participating in, or allowing an activity required or authorized 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 * * * his or her 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, including a post-secondary
209 educational institution, regardless of residence, shall not give
210 or promise to share revenue or to provide compensation for the use
211 of publicity rights of a student-athlete that is currently
212 enrolled in or has signed * * * an athletics financial aid
213 agreement or other written agreement to enroll in a postsecondary
214 educational institution within the State of Mississippi with the
215 purpose of recruiting or inducing the student-athlete to enroll at
216 another postsecondary educational institution, unless the
217 student-athlete has given notice of intent to transfer as provided
218 in national association or conference rules. A person or entity
219 who violates this section is liable to the postsecondary



educational institution where the student-athlete is enrolled or
has signed an athletics financial aid agreement in an amount equal
to three (3) times the amount given or promised the
student-athlete. Any lawsuit to enforce this provision may be
initiated by the postsecondary educational institution in a state
court in Mississippi where the initiating postsecondary
institution is located. By giving or offering to share revenue or
compensate a student-athlete enrolled in or who has signed an
athletics financial aid agreement with a postsecondary institution
in this state, the person or entity consents to the personal
jurisdiction of the state court and, to the extent applicable,
waives immunity from being sued in Mississippi.

SECTION 5. This act shall take effect and be in force from
and after July 1, 2025.

