

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

To: Universities and
Colleges

SENATE BILL NO. 2417
(As Sent to Governor)

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



35 EDUCATIONAL INSTITUTION; TO AMEND SECTION 37-97-109, MISSISSIPPI
36 CODE OF 1972, TO SET CERTAIN PROHIBITIONS AGAINST ACTIONS TAKEN BY
37 A NATIONAL ASSOCIATION, A CONFERENCE OR ANY OTHER GROUP OR
38 ORGANIZATION WITH AUTHORITY OVER THE SPORT THAT PROMOTES OR
39 REGULATES COLLEGIATE ATHLETICS AT A POSTSECONDARY EDUCATIONAL
40 INSTITUTION; TO PROVIDE THAT A PERSON OR ENTITY, REGARDLESS OF
41 RESIDENCE, SHALL NOT GIVE OR PROMISE COMPENSATION FOR THE USE OF
42 PUBLICITY RIGHTS OF A STUDENT-ATHLETE WHO IS CURRENTLY ENROLLED IN
43 OR HAS SIGNED A NATIONAL LETTER OF INTENT OR OTHER WRITTEN
44 AGREEMENT TO ENROLL IN A POSTSECONDARY EDUCATIONAL INSTITUTION
45 WITHIN THE STATE OF MISSISSIPPI WITH THE PURPOSE OF RECRUITING OR
46 INDUCING THE STUDENT-ATHLETE TO ENROLL AT ANOTHER POSTSECONDARY
47 EDUCATIONAL INSTITUTION; TO AMEND SECTION 73-42-3, MISSISSIPPI
48 CODE OF 1972, TO PROVIDE THAT AN AGENCY CONTRACT SHALL NOT PROVIDE
49 FOR ATHLETE AGENT COMPENSATION THAT EXCEEDS 20% OF THE AGENCY
50 CONTRACT; TO REVISE THE DEFINITION OF "AGENCY CONTRACT",
51 "ENDORSEMENT CONTRACT" AND "STUDENT-ATHLETE" AND TO DEFINE
52 "INTERCOLLEGIATE ATHLETICS PROGRAM"; TO AMEND SECTIONS 73-42-5,
53 73-42-11, 73-42-13, 73-42-19, 73-42-21, 73-42-31, 73-42-34 AND
54 93-19-17, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
55 OF THE ACT; TO BRING FORWARD SECTIONS 73-42-1, 73-42-7, 73-42-9,
56 73-42-15, 73-42-17, 73-42-23, 73-42-25, 73-42-27, 73-42-29,
57 73-42-33, 73-42-35, 73-42-37 AND 73-42-39, MISSISSIPPI CODE OF
58 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
59 PURPOSES.

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

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

63 37-97-101. This article shall be known and may be cited as
64 the "Mississippi Intercollegiate Athletics Compensation and
65 Publicity Rights Act."

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

68 37-97-103. As used in this article, the following terms
69 shall have the following meanings unless the context clearly
70 indicates otherwise:



71 (a) "Compensation" means * * * any remuneration, in
72 cash or in kind, whether provided at the time or at any subsequent
73 date, to a student-athlete.

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

78 * * *

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

85 * * *

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

91 * * *

92 (* * * d) "Postsecondary educational institution" means
93 a public university or community college or private university or
94 college.

95 * * *



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

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

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

111 37-97-105. (1) * * * A postsecondary educational
112 institution or any officer, trustee, or employee, of a
113 postsecondary educational institution, shall have the right to,
114 directly or through an agreement with a third party, identify,
115 create, solicit, facilitate, negotiate, support, assist and
116 otherwise enable opportunities for a student-athlete to earn or
117 attempt to earn compensation for the use of the student-athlete's
118 publicity rights. Such right shall include, without limitation,
119 the right to discuss with a student-athlete the potential to earn
120 compensation for their publicity rights if they attend the



121 postsecondary educational institution. Provided that a
122 postsecondary educational institution or any officer, trustee, or
123 employee, of a postsecondary educational institution does not:

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

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

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

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

140 (3) * * * A postsecondary educational institution or
141 officer, trustee, or employee of a postsecondary institution shall
142 have the right to compensate a student-athlete for the use of the
143 student-athlete's publicity rights to the extent consistent with
144 any legally enforceable rules of a national association, a
145 conference or any other group or organization with authority over



146 the sport, that promotes or regulates collegiate athletics
147 applicable to that institution. Before any agreement for
148 compensation for the use of a student-athlete's publicity rights
149 is entered into, and before any compensation is provided to the
150 student-athlete, a postsecondary educational institution may
151 require a student-athlete enrolled at that institution or who has
152 announced an intention to attend that institution, to disclose the
153 agreement or the terms thereof to a designated official of the
154 postsecondary educational institution in which the student-athlete
155 is enrolled or intends to enroll in a manner prescribed by the
156 institution.

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

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

169 37-97-107. (1) * * * An agreement for the use of a
170 student-athlete's publicity rights which is formed after the



171 student-athlete has announced an intention to attend a
172 postsecondary educational institution or while the student-athlete
173 is participating in an intercollegiate sport at a postsecondary
174 educational institution may be terminated either by the
175 student-athlete or any other party to the agreement when the
176 student-athlete's participation in the sport at the institution
177 ends.

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

181 (3) * * * Nothing in this chapter shall restrict a
182 postsecondary educational institution from exercising its sole
183 discretion to control the authorized use of its marks or logos or
184 to determine a student-athlete's apparel, gear or other wearables
185 while participating in an intercollegiate athletics program
186 activity.

187 (4) * * * A student-athlete may not receive or enter into a
188 contract for compensation for the use of his or her publicity
189 rights in a way that also uses any registered or licensed marks,
190 logos, verbiage or designs of a postsecondary educational
191 institution, unless the institution has provided the
192 student-athlete with written permission to do so prior to entering
193 into the agreement or receipt of compensation.

194 (5) * * * If a student-athlete is granted permission to use
195 the marks or logos, independently or through a third party, the



196 postsecondary educational institution may be compensated for the
197 use. A postsecondary educational institution may prohibit a
198 student-athlete from wearing any item of clothing, shoes, or other
199 gear or wearables with the name, logo or insignia of any third
200 party while participating in an intercollegiate athletics program
201 activity.

202 (6) * * * A third party may not enter into, or offer to
203 enter into, a publicity rights agreement with a student-athlete or
204 otherwise compensate a student-athlete for the use of the
205 student-athlete's publicity rights if a provision of the agreement
206 or the use of the student-athlete's publicity rights conflicts
207 with a provision of a contract, rule, regulation, standard or
208 other requirement of the postsecondary educational institution
209 where the student-athlete is enrolled or intends to enroll unless
210 such contract or use is expressly approved in writing by the
211 postsecondary educational institution.

212 (7) * * * No student-athlete who is enrolled in a
213 postsecondary educational institution shall enter into a publicity
214 rights agreement or receive compensation from a third party for
215 the endorsement or promotion of brands, products, or services
216 involving gambling, sports betting, controlled substances,
217 marijuana, tobacco, alternative or electronic nicotine product or
218 delivery system, alcohol, adult entertainment or any other brand,
219 product or service that is reasonably considered to be
220 inconsistent with the values or mission of a postsecondary



221 educational institution or that, in the institution's sole
222 judgment, negatively impacts or reflects adversely on a
223 postsecondary education institution or its athletic programs,
224 including, without limitation, bringing about public disrepute,
225 embarrassment, scandal, ridicule or otherwise negatively impacting
226 the reputation or the moral or ethical standards of the
227 postsecondary educational institution.

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

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

234 * * *

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

237 37-97-109. * * * (1) No postsecondary educational
238 institution or any officer, trustee, or employee of a
239 postsecondary educational institution shall be subject to a claim
240 for damages related to their adoption, implementation, or
241 enforcement of any contract, rule, regulation, standard or other
242 requirement in compliance with this chapter. This chapter is not
243 intended to and shall not waive or diminish any applicable
244 defenses and immunities, including, without limitation, sovereign



245 immunity applicable to public postsecondary educational
246 institutions.

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

251 (a) Enforce a contract term, a rule, a regulation, a
252 standard, a bylaw, guidance, or any other requirement that
253 penalizes the institution, the institution's intercollegiate
254 athletics program, or student-athlete for performing,
255 participating in, or allowing an activity required or authorized
256 by this chapter;

257 (b) Prevent a postsecondary educational institution
258 from or penalize it for establishing agreements with a third-party
259 entity to act on the institution's behalf to identify, create,
260 solicit, facilitate, negotiate, support, assist, and otherwise
261 enable opportunities for a student-athlete to earn compensation
262 from their publicity rights; or

263 (c) Penalize a postsecondary educational institution
264 because an individual or entity whose purpose includes supporting
265 and benefiting the postsecondary institution or its
266 intercollegiate athletic programs violates any contract term, a
267 rule, a regulation, a standard, a bylaw, guidance, or any other
268 requirement that is in conflict with actions required or
269 authorized by this chapter.



270 (3) A person or entity, regardless of residence, shall not
271 give or promise compensation for the use of publicity rights of a
272 student-athlete that is currently enrolled in or has signed a
273 National Letter of Intent or other written agreement to enroll in
274 a postsecondary educational institution within the State of
275 Mississippi with the purpose of recruiting or inducing the
276 student-athlete to enroll at another postsecondary educational
277 institution.

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

280 73-42-1. This chapter may be cited as the "Uniform Athlete
281 Agents Act."

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

284 73-42-3. In this chapter:

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

293 (b) "Athlete agent" means an individual who enters into
294 an agency contract with a student-athlete or, directly or



295 indirectly, recruits, induces or solicits a student-athlete to
296 enter into an agency contract. The term does not include a
297 spouse, parent, sibling, grandparent or guardian of the
298 student-athlete or an individual acting solely on behalf of a
299 professional sports team or professional sports organization. The
300 term includes an individual who represents to the public that the
301 individual is an athlete agent.

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

308 (d) "Contact" means a communication, direct or
309 indirect, written or oral, between an athlete agent and a
310 student-athlete, to recruit, induce or solicit the student-athlete
311 to enter into an agency contract.

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

316 * * *

317 (f) "Intercollegiate * * * athletics program"
318 means * * * an intercollegiate athletics sport played at the
319 collegiate level for which eligibility requirements for



320 participation by a student-athlete are established by a national
321 association * * *, conference or any other group or organization
322 with authority over the sport, that promotes or regulates
323 collegiate athletics.

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

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

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

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

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

342 (l) "Student-athlete" means an individual who * * * is
343 enrolled in or has signed a National Letter of Intent or other
344 written agreement to enroll in a postsecondary educational



345 institution or is being recruited by a postsecondary educational
346 institution to participate in an intercollegiate athletics
347 program. If an individual is permanently ineligible to
348 participate in a particular intercollegiate sport, the individual
349 is not a student-athlete for purposes of that sport.

350 **SECTION 8.** Section 73-42-5, Mississippi Code of 1972, is
351 amended as follows:

352 73-42-5. (1) The Secretary of State shall administer this
353 chapter.

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

359 (3) The Secretary of State may:

360 (a) Conduct public or private investigations within or
361 outside of this state which * * * they consider necessary or
362 appropriate to determine whether a person has violated, is
363 violating, or is about to violate any provision of this chapter or
364 a rule adopted under this chapter, or to aid in the enforcement of
365 this chapter or in the adoption of rules and forms under this
366 chapter;

367 (b) Require or permit a person to testify, file a
368 statement, or produce a record, under oath or otherwise as * * *
369 they may determine, as to all facts and circumstances concerning a



370 matter to be investigated or about which an action or proceeding
371 is to be instituted; and

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

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

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

385 73-42-7. (1) Except as otherwise provided in subsection
386 (2), an individual may not act as an athlete agent in this state
387 before being issued a certificate of registration under Section
388 73-42-11 or 73-42-15.

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



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

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

400 73-42-9. (1) An applicant for registration shall submit an
401 application for registration to the Secretary of State in a form
402 prescribed by the Secretary of State. An application filed under
403 this section is a public record. Except as otherwise provided in
404 subsection (2), the application must be in the name of an
405 individual, signed by the applicant under penalty of perjury and
406 must state or contain:

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

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

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

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

415 (i) Formal training as an athlete agent;

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

417 (iii) Educational background relating to the

418 applicant's activities as an athlete agent;



419 (e) The names and addresses of three (3) individuals
420 not related to the applicant who are willing to serve as
421 references;

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

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

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

430 (ii) With respect to a company or corporation
431 employing the athlete agent, the officers, directors and any
432 shareholder of the corporation or member with a five percent (5%)
433 or greater interest;

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

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

442 (j) Any instance in which the conduct of the applicant
443 or any other person named pursuant to paragraph (g) resulted in



444 the imposition of a sanction, suspension or declaration of
445 ineligibility to participate in an interscholastic or
446 intercollegiate athletic event on a student-athlete or educational
447 institution;

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

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

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

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

461 (o) Consent to submit to a criminal background check
462 before being issued a certificate of registration. Any fees
463 connected with the background check shall be assessed to the
464 applicant.

465 (2) An individual who has submitted an application for, and
466 received a certificate of, registration or licensure as an athlete
467 agent in another state, may submit a copy of the application and a
468 valid certificate of registration or licensure from the other



469 state in lieu of submitting an application in the form prescribed
470 pursuant to subsection (1), along with the information requested
471 in paragraphs (l), (m), (n) and (o) of subsection (1). The
472 Secretary of State shall accept the application and the
473 certificate from the other state as an application for
474 registration in this state if the application to the other state:

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

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

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

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

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

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



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

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

500 **SECTION 11.** Section 73-42-11, Mississippi Code of 1972, is
501 amended as follows:

502 73-42-11. (1) Except as otherwise provided in subsection
503 (3), the Secretary of State shall issue a certificate of
504 registration to an individual who complies with Section
505 73-42-9(1).

506 (2) Except as otherwise provided in subsection (3), the
507 Secretary of State shall issue a certificate of registration to an
508 individual whose application has been accepted under Section
509 73-42-9(2).

510 (3) The Secretary of State may refuse to issue a certificate
511 of registration if * * * they determine that the applicant has
512 engaged in conduct that has a significant adverse effect on the
513 applicant's fitness to serve as an athlete agent. In making the
514 determination, the Secretary of State may consider whether the
515 applicant has:

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



519 (b) Made a materially false, misleading, deceptive or
520 fraudulent representation as an athlete agent or in the
521 application;

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

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

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

528 (f) Engaged in conduct or failed to engage in conduct
529 the consequence of which was that a sanction, suspension or
530 declaration of ineligibility to participate in an interscholastic
531 or intercollegiate athletic event was imposed on a student-athlete
532 or educational institution; or

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

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

537 (a) How recently the conduct occurred;

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

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

541 (5) An athlete agent may apply to renew a registration by
542 submitting an application for renewal in a form prescribed by the
543 Secretary of State. An application filed under this section is a



544 public record. The application for renewal must be signed by the
545 applicant under penalty of perjury and must contain current
546 information on all matters required in an original registration.

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

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

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

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

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

566 **SECTION 12.** Section 73-42-13, Mississippi Code of 1972, is
567 amended as follows:



568 73-42-13. (1) After proper notice and an opportunity for a
569 hearing, the Secretary of State may deny, suspend, revoke or
570 refuse to renew a registration for conduct that would have
571 justified denial of registration under Section 73-42-11(3) or for
572 a violation of any provision of this chapter.

573 (2) (a) The Secretary of State shall appoint at least one
574 (1) hearing officer for the purpose of holding hearings, compiling
575 evidence and rendering decisions under this section and Section
576 73-42-11. The hearing officer shall fix the date for an
577 adjudicatory hearing and notify the athlete agent involved. The
578 hearing shall be held at a location to be designated by the
579 hearing officer. Unless the time period is extended by the
580 hearing officer, the hearing shall be held not less than fifteen
581 (15) nor more than thirty (30) days after the mailing of notice to
582 the athlete agent involved. At the conclusion of the hearing, the
583 hearing officer shall make a recommendation regarding the
584 registration of the athlete agent involved. The Secretary of
585 State shall then take appropriate action by final order.

586 (b) Any athlete agent whose application for
587 registration has been denied or not renewed, or whose registration
588 has been revoked or suspended by the Secretary of State, within
589 thirty (30) days after the date of such final order, shall have
590 the right of a trial de novo on appeal to the circuit court * * *
591 in Mississippi in the county of residence of the athlete agent,
592 the student-athlete, or the educational institution * * *. If the



593 secretary's final order is supported by substantial evidence and
594 does not violate a state or federal law, then it shall be affirmed
595 by the circuit court. Either party shall have the right of appeal
596 to the Supreme Court as provided by law from any decision of the
597 circuit court. No athlete agent shall be allowed to deliver
598 services to a student-athlete domiciled or residing in Mississippi
599 while any such appeal is pending.

600 (3) In addition to the reasons specified in subsection (1)
601 of this section, the secretary shall be authorized to suspend the
602 registration of any person for being out of compliance with an
603 order for support, as defined in Section 93-11-153. The procedure
604 for suspension of a registration for being out of compliance with
605 an order for support, and the procedure for the reissuance or
606 reinstatement of a registration suspended for that purpose, and
607 the payment of any fees for the reissuance or reinstatement of a
608 registration suspended for that purpose, shall be governed by
609 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
610 by the secretary in suspending the registration of a person when
611 required by Section 93-11-157 are not actions from which an appeal
612 may be taken under this section. Any appeal of a registration
613 suspension that is required by Section 93-11-157 or 93-11-163
614 shall be taken in accordance with the appeal procedure specified
615 in Section 93-11-157 or 93-11-163, as the case may be, rather than
616 the procedure specified in this section. If there is any conflict
617 between any provision of Section 93-11-157 or 93-11-163 and any



618 provision of this chapter, the provisions of Section 93-11-157 or
619 93-11-163, as the case may be, shall control.

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

622 73-42-15. The Secretary of State may issue a temporary
623 certificate of registration while an application for registration
624 or renewal is pending.

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

627 73-42-17. (1) An application for registration or renewal of
628 registration must be accompanied by a fee in the following amount:

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

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

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

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

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



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

645 73-42-19. (1) An agency contract must be in a record,
646 signed by the parties.

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

648 (a) The amount and method of calculating the
649 consideration to be paid by the student-athlete for services to be
650 provided by the athlete agent under the contract and any other
651 consideration or anything of value that the athlete agent has
652 received or will receive from any other source for entering into
653 the contract or for providing the services;

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

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

659 (d) A description of the services to be provided to the
660 student-athlete;

661 (e) The duration of the contract; and

662 (f) The date of execution.

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

666 **WARNING TO STUDENT-ATHLETE**

667 **IF YOU SIGN THIS CONTRACT:**



668 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A
669 STUDENT-ATHLETE IN YOUR SPORT * * * UNLESS THIS CONTRACT IS
670 SERVING AS A PUBLICITY RIGHTS AGREEMENT PURSUANT TO SECTION
671 37-97-103;

672 (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL
673 YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN
674 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND

675 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
676 SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR
677 ELIGIBILITY.

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

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

682 **SECTION 16.** Section 73-42-21, Mississippi Code of 1972, is
683 amended as follows:

684 73-42-21. (1) Before an athlete agent, or his or her
685 employee or representative, may initiate a first contact, direct
686 or indirect, with any of the individuals listed below, with the
687 intent or for the purpose of soliciting the student-athlete or of
688 procuring * * * an agency contract from the student-athlete, the
689 athlete agent, or his or her employee or representative, must
690 provide the educational institution at which the student-athlete
691 is enrolled with written notification of the planned contact with
692 these individuals:



693 (a) The student-athlete;
694 (b) The student-athlete's spouse, parent, foster
695 parent, guardian, sibling, aunt, uncle, grandparent, child or
696 first cousin; or the parent, foster parent, sibling, aunt, uncle,
697 grandparent, child or first cousin of the student-athlete's
698 spouse; or

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

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

709 (3) Within seventy-two (72) hours after entering into an
710 agency contract or before the next athletic event in which the
711 student-athlete may participate, whichever occurs first, the
712 student-athlete shall inform the athletic director of the
713 educational institution at which the student-athlete is enrolled
714 or intends to enroll that he or she has entered into an agency
715 contract.

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



718 73-42-23. (1) A student-athlete may cancel an agency
719 contract by giving notice to the athlete agent of the cancellation
720 within fourteen (14) days after the date the contract is signed.

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

723 (3) If a student-athlete cancels an agency contract, the
724 student-athlete is not required to pay any consideration under the
725 contract or to return any consideration received from the athlete
726 agent to induce the student-athlete to enter into the contract.

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

729 73-42-25. (1) An athlete agent shall retain the following
730 records for a period of five (5) years:

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

733 (b) Any agency contract entered into by the athlete
734 agent; and

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

737 (2) Records required by subsection (1) to be retained are
738 open to inspection by the Secretary of State during normal
739 business hours.

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



742 73-42-27. (1) An athlete agent may not engage in any of the
743 following activities, within this state or otherwise, with the
744 intent to induce a student-athlete to enter into an agency
745 contract:

746 (a) Give any materially false or misleading information
747 or make a materially false promise or representation;

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

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

752 (2) An athlete agent may not intentionally:

753 (a) Initiate contact with a student-athlete unless
754 registered under this chapter;

755 (b) Refuse or willfully fail to retain or permit
756 inspection of the records required by Section 73-42-25 or fail to
757 provide the Secretary of State with any statements, documents,
758 records or testimony required by the secretary under Section
759 73-42-5(3) and (4);

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

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

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

764 (f) Fail to notify a student-athlete prior to the
765 student-athlete's signing an agency contract for a particular
766 sport that the signing by the student-athlete may make the



767 student-athlete ineligible to participate as a student-athlete in
768 that sport.

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

771 73-42-29. The commission of any act prohibited by Section
772 73-42-27 by an athlete agent is a felony punishable by a fine of
773 not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment
774 of not more than two (2) years, or both.

775 **SECTION 21.** Section 73-42-31, Mississippi Code of 1972, is
776 amended as follows:

777 73-42-31. (1) An educational institution has a right of
778 action against an athlete agent or a former student-athlete for
779 damages caused by a violation of this act. In an action under
780 this section, the court may award to the prevailing party costs
781 and reasonable attorney's fees, except that costs and attorney's
782 fees shall not be levied against a public educational institution.

783 (2) Damages of an educational institution under subsection
784 (1) include losses and expenses incurred because, as a result of
785 the activities of an athlete agent or former student-athlete, the
786 educational institution was injured by a violation of this chapter
787 or was penalized, disqualified or suspended from participation in
788 athletics by a national association * * *, a conference or any
789 other group or organization with authority over the sport, that
790 promotes or regulates collegiate athletics or by reasonable
791 self-imposed disciplinary action taken to mitigate sanctions.



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

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

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

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

802 73-42-33. The Secretary of State may assess a civil penalty
803 against an athlete agent not to exceed Twenty-five Thousand
804 Dollars (\$25,000.00) for a violation of this chapter.

805 **SECTION 23.** Section 73-42-34, Mississippi Code of 1972, is
806 amended as follows:

807 73-42-34. (1) If the Secretary of State determines that a
808 person has engaged in or is engaging in an act, practice, or
809 course of business constituting a violation of this chapter or a
810 rule adopted or order issued under this chapter, or that a person
811 has materially aided or is materially aiding in an act, practice,
812 or course of business constituting a violation of this chapter or
813 a rule adopted or order issued under this chapter, then the
814 secretary may:

815 (a) Issue an order directing the person to cease and
816 desist from engaging in the act, practice, or course of business,



817 or to take other action necessary or appropriate to comply with
818 this chapter or any rule adopted or order issued under this
819 chapter;

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

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

826 (2) An order issued under subsection (1) of this section is
827 effective on the date of its issuance. Upon the order's issuance,
828 the Secretary of State shall promptly serve each person subject to
829 the order with a copy of the order and a notice that the order has
830 been entered. The order must include a statement of any civil
831 penalty or other administrative remedy to be imposed under
832 subsection (1) of this section, a statement of the costs of
833 investigation that the secretary will seek to recover, a statement
834 of the reasons for the order, and a statement notifying the person
835 of his or her right to a hearing under Section 73-42-13. If a
836 person subject to the order does not request a hearing in writing
837 within thirty (30) days of the date of the order and none is
838 ordered by the hearing officer, then the order, including the
839 imposition of a civil penalty or requirement for payment of the
840 costs of investigation, shall become final as to that person by
841 operation of law.



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

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

852 (5) If a person does not comply with an order issued under
853 this section, the secretary may petition a court of competent
854 jurisdiction to enforce the order and collect administrative civil
855 penalties and costs imposed under the final order. The court may
856 not require the secretary to post a bond in an action or
857 proceeding under this section. If the court finds, after service
858 and opportunity for hearing, that the person did not comply with
859 the order, the court may adjudge the person in civil contempt of
860 the order. The court may grant any relief the court determines is
861 just and proper in the circumstances.

862 (6) Any person aggrieved by a final order of the secretary
863 may obtain a review of the order in the circuit court * * * in
864 Mississippi in the county of residence of the athlete agent, the
865 student-athlete, or * * * educational institution by filing within
866 thirty (30) days after the entry of the order, a written petition



867 praying that the order be modified or set aside, in whole or in
868 part. A copy of the petition shall be served upon the secretary,
869 and the secretary shall certify and file with the court a copy of
870 the record and evidence upon which the order was entered. When
871 these have been filed, the court has exclusive jurisdiction to
872 affirm, modify, enforce or set aside the order, in whole or in
873 part. The findings of the secretary as to the facts, if supported
874 by competent material and substantial evidence, are conclusive.
875 The beginning of proceedings under this subsection does not
876 operate as a stay of the secretary's order, unless specifically
877 ordered by the court.

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

880 73-42-35. In applying and construing this uniform act,
881 consideration must be given to the need to promote uniformity of
882 the law with respect to its subject matter among states that enact
883 it.

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

886 73-42-37. The provisions of this chapter modify, limit and
887 supersede the federal Electronic Signatures in Global and National
888 Commerce Act, 15 USCS Section 7001, et seq., except that those
889 provisions do not modify, limit, or supersede Section 101(c) of
890 that act, 15 USCS Section 7001(c), and do not authorize electronic



891 delivery of any of the notices described in Section 103(b) of that
892 act, 15 USCS Section 7003(b).

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

895 73-42-39. The Secretary of State may promulgate rules and
896 regulations necessary to administer, carry out and enforce this
897 chapter and to define terms whether or not used in this chapter,
898 but those definitions may not be inconsistent with this chapter.

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

901 93-19-17. (1) All persons eighteen (18) years of age or
902 older, if not otherwise disqualified, or prohibited by law, shall
903 have the capacity to enter into binding contractual relationships
904 affecting the use of their * * * publicity rights while
905 participating in intercollegiate sports as student-athletes in
906 accordance with the Mississippi Intercollegiate Athletics
907 Compensation and Publicity Rights Act. Nothing in this section
908 shall be construed to affect any contracts entered into prior to
909 July 1, 2021.

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

915 (3) For purposes of this section:



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

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

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

