

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2517: "MS Intercollegiate Athletics Compensation Rights Act" and "Uniform Athletes Agent Act"; bring forward.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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
47 institution, including a charitable organization that qualifies as
48 an exempt organization under 26 USC Section 501(c)(3), as amended.

49 (g) "Athletics financial aid agreement" means any
50 agreement between a post-secondary educational institution and a



51 student-athlete for the provision of athletics-related financial
52 aid.

53 (h) "Athletics-related revenue" means revenue generated
54 from ticket sales, game guarantees, media rights, NCAA
55 distributions, conference distributions, royalties, licensing,
56 advertisement and sponsorships and football bowl games as
57 currently set forth in categories 1, 7, 11, 12, 13, 13A, 15, and
58 19 of the 2024 Revenue Categories used in the NCAA Membership
59 Financial Reporting System.

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

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

64 37-97-105. (1) A postsecondary educational
65 institution * * * shall have the right to, directly or through an
66 agreement with a third party, share a portion of the postsecondary
67 educational institution's athletics-related revenue with a
68 student-athlete or compensate a student-athlete for his or her
69 publicity rights.

70 (2) A postsecondary educational institution or any officer,
71 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
97 the agreement or the terms thereof to a designated official of the
98 postsecondary educational institution in which the student-athlete
99 is enrolled or intends to enroll in a manner prescribed by the
100 institution.



101 * * * (5) Agreements, or proposed agreements, contemplated
102 by this act and any documents that compile, summarize or disclose
103 any of the terms of such agreements shall be exempt from the
104 Mississippi Public Records Act of 1983. * * *

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

107 37-97-107. (1) * * * A third-party agreement for the use of
108 a student-athlete's publicity rights which is formed after the
109 student-athlete * * * signs an athletics financial aid agreement
110 to attend a postsecondary educational institution or has given
111 notice to his or her current post-secondary educational
112 institution of an intent to transfer or while the student-athlete
113 is participating in an intercollegiate sport at a postsecondary
114 educational institution may be terminated either by the
115 student-athlete or any other party to the agreement when the
116 student-athlete's participation in the sport at the institution
117 ends.

118 (2) A postsecondary educational institution may impose
119 reasonable limitations on the dates and time that a
120 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
146 with a provision of a contract, rule, regulation, standard or
147 other requirement of the postsecondary educational institution
148 where the student-athlete is enrolled or intends to enroll unless
149 such contract or use is expressly approved in writing by the
150 postsecondary educational institution.



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

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

170 (9) No postsecondary educational institution may use funds
171 appropriated from the State General Fund to share revenue or to
172 compensate a student-athlete for * * * his or her publicity
173 rights.

174 **SECTION 4.** Section 37-97-109, Mississippi Code of 1972, is
175 amended as follows:



176 37-97-109. (1) No postsecondary educational institution or
177 any officer, trustee, or employee of a postsecondary educational
178 institution shall be subject to a claim for damages related to
179 their adoption, implementation, or enforcement of any contract,
180 rule, regulation, standard or other requirement in compliance with
181 this chapter. This chapter is not intended to and shall not waive
182 or diminish any applicable defenses and immunities, including,
183 without limitation, sovereign immunity applicable to public
184 postsecondary educational institutions.

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

189 (a) Enforce a contract term, a rule, a regulation, a
190 standard, a bylaw, guidance, or any other requirement that
191 penalizes the institution, the institution's intercollegiate
192 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 * * * 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
220 educational institution where the student-athlete is enrolled or
221 has signed an athletics financial aid agreement in an amount equal
222 to three (3) times the amount given or promised the
223 student-athlete. Any lawsuit to enforce this provision may be
224 initiated by the postsecondary educational institution in a state
225 court in Mississippi where the initiating postsecondary



226 institution is located. By giving or offering to share revenue or
227 compensate a student-athlete enrolled in or who has signed an
228 athletics financial aid agreement with a postsecondary institution
229 in this state, the person or entity consents to the personal
230 jurisdiction of the state court and, to the extent applicable,
231 waives immunity from being sued in Mississippi.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)
Boyd

X (SIGNED)
Scoggin

X (SIGNED)
Williams

X (SIGNED)
Bounds

X (SIGNED)
McCaughn

X (SIGNED)
Ford (54th)

