

By: Representative Harness

To: Judiciary A

## HOUSE BILL NO. 1400

1       AN ACT TO CREATE THE MISSISSIPPI HIGH SCHOOL STUDENT-ATHLETE  
2 NIL PROTECTION ACT; TO DEFINE CERTAIN TERMS; TO AUTHORIZE ANY  
3 STUDENT-ATHLETE TO EARN COMPENSATION FOR USE OF HIS OR HER NAME,  
4 IMAGE AND LIKENESS (NIL) UNDER CERTAIN CONDITIONS; TO PROVIDE THAT  
5 ANY NIL CONTRACT EXECUTED WITHOUT PARENTAL OR GUARDIAN CONSENT  
6 SHALL BE VOID AND UNENFORCEABLE, IF SUCH CONTRACT WAS EXECUTED BY  
7 THE STUDENT-ATHLETE WHEN HE OR SHE WAS UNDER THE AGE OF 18; TO  
8 PROVIDE THAT IF NIL COMPENSATION THAT IS PAID TO A STUDENT-ATHLETE  
9 IS \$10,000 OR LESS DURING A CALENDAR YEAR, THEN SUCH COMPENSATION  
10 MAY BE PAID DIRECTLY TO THE STUDENT-ATHLETE OR HIS OR HER PARENT  
11 OR LEGAL GUARDIAN; TO PROVIDE THAT IF NIL COMPENSATION THAT IS  
12 PAID TO A STUDENT-ATHLETE EXCEEDS \$10,000 DURING A CALENDAR YEAR,  
13 THEN SUCH COMPENSATION OVER THE \$10,000 AMOUNT SHALL BE DEPOSITED  
14 INTO A RESTRICTED TRUST ACCOUNT, WHICH IS ESTABLISHED FOR THE  
15 BENEFIT OF THE HIGH SCHOOL STUDENT-ATHLETES; TO PROVIDE THE  
16 CONDITIONS WHEN THE FUNDS OF SUCH TRUST ACCOUNT SHALL BE RELEASED  
17 TO SUCH STUDENT-ATHLETES; TO BRING FORWARD SECTION 93-19-17,  
18 MISSISSIPPI CODE OF 1972, WHICH PERTAINS TO STUDENT-ATHLETES  
19 EIGHTEEN YEARS OF AGE OR OLDER HAVING THE CAPACITY TO ENTER INTO  
20 CERTAIN LEGALLY BINDING CONTRACTS, FOR PURPOSES OF POSSIBLE  
21 AMENDMENT; AND FOR RELATED PURPOSES.

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

23       **SECTION 1.** This act shall be known and may be cited as the  
24 "Mississippi High School Student-Athlete NIL Protection Act".

25       **SECTION 2.** As used in this act, the following terms shall  
26 have the following meanings unless the context clearly indicates  
27 otherwise:

28 (a) "Student-athlete" means an individual enrolled in a  
29 public or nonpublic high school in Mississippi who participates in  
30 interscholastic athletics.

31 (b) "Name, Image, and Likeness (NIL)" means a  
32 student-athlete's personal identifying attributes, including name,  
33 photograph, image, likeness, voice, or personal brand.

34 (c) "NIL contract" means an agreement under which a  
35 student-athlete receives compensation for use of NIL.

36 (d) "Association" means the Mississippi High School  
37 Activities Association (MHSAA).

38        **SECTION 3.** (1) A student-athlete may earn compensation for  
39 the use of his or her name, image, and likeness, provided that:

40 (a) The compensation is not contingent upon athletic  
41 performance, statistics or participation;

42 (b) The compensation is not offered as an inducement to  
43 enroll in or transfer to a particular school; and

44 (c) The compensation does not conflict with existing  
45 Mississippi law.

46 (2) Nothing in this act shall be construed to permit pay for  
47 play.

48        **SECTION 4.** (1) This act shall not modify, alter, suspend,  
49 or invalidate any existing student transfer rules, eligibility  
50 requirements, or residency requirements applicable to  
51 interscholastic athletics in Mississippi.



52 (2) Participation in NIL activities shall not, by itself,  
53 create eligibility, prevent eligibility, or serve as a basis for  
54 transfer approval or denial.

55        **SECTION 5.** (1) Any NIL contract entered into by a  
56 student-athlete shall be:

57 (a) Reduced to writing;  
58 (b) Signed by the student-athlete; and  
59 (c) Signed by the student-athlete's parent or legal  
60 guardian.

64        **SECTION 6.**    (1)   If total NIL compensation paid to a  
65        student-athlete during a calendar year is Ten Thousand Dollars  
66        (\$10,000.00) or less, such compensation may be paid directly to  
67        the student-athlete or the parent or legal guardian.

68                   (2) If total NIL compensation exceeds Ten Thousand Dollars  
69                   (\$10,000.00) during a calendar year:

70 (a) All amounts in excess of Ten Thousand Dollars  
71 (\$10,000.00) shall be deposited into a restricted trust account  
72 established for the benefit of the student-athlete;

73 (b) The trust shall be administered in a manner  
74 consistent with Mississippi minor settlement principles, except as  
75 modified by this act;



76 (c) Funds held in trust shall not be released until the  
77 student-athlete graduates from high school or attains the age of  
78 eighteen (18), whichever occurs first.

79 (3) The trust account shall:

80 (a) Be established by the parent or legal guardian;

81 (b) Prohibit withdrawals except by court order or as  
82 provided herein; and

83 (c) Be subject to judicial supervision upon petition if  
84 necessary.

85        **SECTION 7.** (1) A copy of any NIL contract shall be  
86    disclosed to the Mississippi High School Activities Association  
87    within a reasonable time after execution.

88 (2) The association shall have no administrative,  
89 investigative, enforcement, or regulatory duties related to NIL  
90 compensation under this act.

91 (3) Disclosure is for informational purposes only and shall  
92 not constitute approval, denial, or oversight by the association.

93        **SECTION 8.** (1) Any rule, policy, or regulation of the  
94        Mississippi High School Activities Association that conflicts with  
95        this act is hereby superseded and preempted to the extent of such  
96        conflict.

97 (2) The association shall not declare a student-athlete  
98 ineligible solely for participation in NIL activities authorized  
99 by this act.



100           **SECTION 9.** (1) No school, school district, coach, or school  
101 employee shall:

102               (a) Arrange, negotiate, or secure NIL contracts on  
103 behalf of a student-athlete; or  
104               (b) Receive compensation in connection with a  
105 student-athlete's NIL activities.

106           (2) Nothing in this section shall prohibit general financial  
107 literacy education.

108           **SECTION 10.** (1) Any dispute arising under an NIL contract  
109 shall be resolved exclusively in the courts of the State of  
110 Mississippi.

111           (2) The Mississippi High School Activities Association shall  
112 have no role in adjudicating disputes related to NIL contracts.

113           **SECTION 11.** This act shall be liberally construed to protect  
114 student-athletes, preserve competitive balance, and prevent  
115 exploitation of minors.

116           **SECTION 12.** Section 93-19-17, Mississippi Code of 1972, is  
117 brought forward as follows:

118           93-19-17. (1) All persons eighteen (18) years of age or  
119 older, if not otherwise disqualified, or prohibited by law, shall  
120 have the capacity to enter into binding contractual relationships  
121 affecting the use of their publicity rights while participating in  
122 intercollegiate sports as student-athletes in accordance with the  
123 Mississippi Intercollegiate Athletics Compensation and Publicity

124 Rights Act. Nothing in this section shall be construed to affect  
125 any contracts entered into prior to July 1, 2021.

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

131 (3) For purposes of this section:

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

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

146 **SECTION 13.** This act shall take effect and be in force from  
147 and after July 1, 2026.