

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 HIGHSCHOOL 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:



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

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

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

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

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

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

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

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

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

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



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

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

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

(2) Except for a student-athlete who has attained the age of 18, any NIL contract executed without parental or guardian consent shall be void and unenforceable.

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

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

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

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



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

(3) The trust account shall:

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

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

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

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

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

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

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

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



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

(a) Arrange, negotiate, or secure NIL contracts on behalf of a student-athlete; or

(b) Receive compensation in connection with a student-athlete's NIL activities.

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

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

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

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

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

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



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

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

(3) For purposes of this section:

(a) "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.

(b) "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 13. This act shall take effect and be in force from and after July 1, 2026.

