

Mississippi Student-Athletes Name, Image, and Likeness Law Awaits Governor's Signature

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Mississippi Governor Tate Reeves is expected to make Mississippi the seventh state to enact name, image, and likeness (NIL) legislation.

When signed, the **Mississippi Intercollegiate Athletics Compensation Rights Act** will allow Mississippi student-athletes to earn endorsement compensation from the use of their name, image, and likeness and authorize their hiring and use of professional representation, including attorneys and sports agents, without affecting their scholarship eligibility. Unlike other state name, image, and likeness laws that have been enacted with delayed effective dates, the Mississippi law will become effective the same day as Florida's NIL law, July 1, 2021.

Mississippi will join, California, Colorado, Florida, Michigan, Nebraska, and New Jersey as the newest state to pass a law protecting the rights of student-athletes to be paid for the commercial use of their name, image, and likeness rights.

Several other states, including Alabama, Maryland, and New Mexico, have moved forward with proposals and are nearing state legislative approval for their NIL laws.

Indeed, more states are unwilling to wait for the NCAA to adopt NIL student-athlete rights out of concern about being at a recruiting disadvantage with schools from other states as neither NCAA action nor enactment of proposed federal legislation appears imminent.

While most state NIL proposals have had strong bipartisan support, C. Scott Bounds, a member of the Mississippi House of Representatives stated,

"I don't think any state is happy about this legislation, but we are seeing this as a necessity [W]e don't want to lose a competitive edge in recruiting, both athletically and academically, especially against those in the Southeastern Conference."

The Mississippi bill contains similar provisions to the laws of the six states that have already confirmed NIL rights. It protects all Mississippi student-athletes from having their NIL rights restricted by any school or conference. ***However, it allows a school to impose reasonable limitations on the dates and times a student-athlete may participate in any endorsement activities.***

The act further authorizes a student-athlete to hire an agent to negotiate marketing opportunities after providing the school **seven days advance notice of their agent selection**, while mandating disclosure of endorsement deals to their schools before the deals can become effective. In addition, the act prevents any state educational institution, booster, individual, or other entity from providing compensation to a prospective or current student-athlete to enter into NIL agreements as a recruiting inducement before that student-athlete is enrolled in a particular school. As with almost all current state laws, the Mississippi law prohibits student-athlete endorsement of gambling, marijuana, sports betting, tobacco, alcohol, or performance-enhancing supplements.

The Mississippi bill also mandates that the student-athletes exercise of their NIL rights will not make them employees or independent contractors of their educational institution.

At the same time, it prevents athletic associations, like the NCAA, from denying the student-athlete or the academic institution from participating in intercollegiate athletics as a result of the NIL rights provided in Mississippi law.

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