

2026 Regular Session

SENATE BILL NO. 389

BY SENATOR CONNICK

AMUSEMENTS/SPORTS. Provides for agents and athletes. (gov sig)

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AN ACT

To amend and reenact R.S. 4:420, 421(A), 422, 422.1, 423(G)(4), 424(A)(6) through (9), (B), (C), (D), and (E), 426, 431, 432(A), and 433(A) and (B), to enact R.S. 4:423.1, 424(A)(10), 427(A)(8), 432.1, and 434, and to repeal R.S. 4:425 and 430, relative to agents and athletes; to provide for registration of agents; to provide for denial of registration, refusal to renew, revocation, or suspension; to provide for agent's contract, schedule of fees, maximum fee, notification, and penalty; to provide for required disclosures for endorsement contracts; to provide for prohibited activities; to provide for violations and penalties; to provide for record keeping; to provide for implementation of rules and regulations; to provide for enforcement; to provide for liability; to provide for civil remedies; to provide for unlawful payments and penalties; to provide for unfair trade practices; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:420, 421(A), 422, 422.1, 423(G)(4), 424(A)(6) through (9), (B), (C), (D), and (E), 426, 431, 432(A), and 433(A) and (B) are hereby amended and reenacted and R.S. 4:423.1, 424(A)(10), 427(A)(8), 432.1, and 434 are hereby enacted to read as

1 follows:

2 §420. Declaration of purpose

3 A. The legislature hereby recognizes that it is a special privilege afforded to
4 athlete agents and other persons acting in a representative, advisory, or
5 managerial capacity to contact ~~student~~ athletes to secure their athletic abilities for
6 professional sports teams, professional sports organizations, or for endorsement
7 or commercial opportunities. The legislature also feels that with that privilege
8 should come certain duties, obligations, and responsibilities. The legislature hereby
9 enacts the laws of this Chapter to regulate those contacts and relationships and to
10 protect young, inexperienced ~~student~~ athletes in this state from unscrupulous athlete
11 agents and other persons who would seek to exploit such athletes, or their
12 educational institutions or schools, when entering or seeking to enter into an agent
13 contract, endorsement contract, or professional sport services contract or when
14 obtaining or seeking to obtain employment with a professional sports team, or
15 commercial opportunities.

16 B. It is the further purpose of the legislature in enacting this Chapter to
17 protect ~~student~~ athletes from contacts with and accepting things of value from athlete
18 agents and other persons in a manner so as to cause such athletes to unintentionally
19 lose their eligibility to compete in interscholastic or intercollegiate athletics,
20 otherwise suffer financial or reputational harm.

21 C. It is the further purpose of the legislature to protect the educational
22 institutions and schools of this state from unscrupulous athlete agents, athletes, and
23 other persons who would cause such ~~institutions~~ educational institution or school
24 to suffer various sanctions, penalties, or other adverse consequences as a result of
25 unlawful activities in connection with athletes participating in sports at such
26 educational institutions and schools.

27 ~~D. Another purpose of the legislature in enacting this Chapter is to recognize~~
28 ~~that the relationship between a student athlete and their institution or school is one~~
29 ~~of contract.~~

1 ~~E.~~ Accordingly, the legislature, in enacting the provisions of this Chapter,
 2 hereby creates causes of action, rights, and remedies for such ~~institutions~~
 3 **educational institution or school** and ~~schools~~ **athletes** to recover for damages
 4 caused to the **educational** institution ~~or~~, school, **or athlete** by any person acting in
 5 violation of this Chapter. Such causes of action specifically include but are not
 6 limited to the cause of action known as tortious interference with an athlete contract,
 7 **statutory civil remedies, and enforcement actions by the division under**
 8 **applicable unfair trade practices law.**

9 §421. Definitions

10 A. As used in this Chapter:

11 (1) "Agent contract" means any contract or agreement, whether written or
 12 oral, under which an athlete authorizes an ~~athlete agent~~ **individual** to negotiate or
 13 solicit on behalf of the athlete for the employment of the athlete by one or more
 14 professional sports teams **or organizations.**

15 (2) "Anything of value" means any thing of value **and shall be given the**
 16 **broadest possible construction.** It shall be given the broadest possible construction,
 17 including any conceivable thing of the slightest value, movable or immovable,
 18 corporeal or incorporeal, public or private, and specifically including transportation,
 19 telephone and telegraph services, ~~or~~ **discounts, loans, advances, payments,** other
 20 services available for hire, **or other benefits.** It shall be construed in the popular
 21 sense of the phrase and not necessarily as synonymous with the traditional legal term
 22 "property". It shall specifically include but not be limited to a donation, sale, lease,
 23 loan, suretyship, and mortgage.

24 (3)(a) "Athlete" means a student who ~~resides in this state, or a student who~~
 25 ~~does not reside in this state but has informed in writing an institution of higher~~
 26 ~~education in this state of the student's intent to participate in that school's~~
 27 ~~intercollegiate sports contests, and who~~ is characterized by either **any** of the
 28 following:

29 (i) Is eligible to participate, **or will be eligible to participate,** in junior high,

1 ~~high a~~ school; or intercollegiate sports contests as a member of a sports team of a
 2 ~~junior high, high school; or~~ **educational** institution ~~of higher education~~ which is
 3 located in this state ~~and or~~ which is a member of a federation or association.

4 (ii) ~~Has participated~~ **Participates** as a member of such a sports team at a
 5 ~~junior high, high school; or~~ **educational** institution ~~of higher education~~.

6 **(iii) Resides in this state and is eligible to participate, or will be eligible**
 7 **to participate, in interscholastic or intercollegiate sports at any school or**
 8 **educational institution, whether or not located in this state.**

9 (b) "Athlete" ~~does~~ **shall** not mean ~~a student~~ **an individual who has been**
 10 **determined to be permanently ineligible to participate in a particular**
 11 **interscholastic or intercollegiate sport, but only with respect to that sport, or an**
 12 **individual** who has completed his last intercollegiate or interscholastic sports
 13 contest, including postseason contests, or who has notified in writing the athletic
 14 director or head coach of the school or institution at which he is participating that he
 15 is renouncing his eligibility to participate on such sports team.

16 (4)(a) "Athlete agent" means ~~any person who~~ **an individual, whether or not**
 17 **registered under this Chapter, who does either of the following:**

18 **(i) For compensation or in anticipation of compensation, enters into an**
 19 **agent contract with an athlete or, directly or indirectly,** recruits or solicits an
 20 athlete to enter into an agent contract ~~or professional sport services contract with any~~
 21 ~~person, or who offers anything of value to any person to induce an athlete to enter~~
 22 ~~into an agreement by which any person will represent the athlete, or who for~~
 23 ~~anything of value procures, offers, promises, or attempts to obtain employment for~~
 24 ~~an athlete with a professional sports team.~~

25 **(ii) An individual who, for compensation or in anticipation of**
 26 **compensation, represents or advises an athlete in connection with an**
 27 **endorsement contract, or endorsement activities, including name, image, and**
 28 **likeness matters.**

29 **(b) The term shall not include an individual who performs any of the**

1 **following activities:**

2 **(i) Acts solely on behalf of a professional sports team or professional**
3 **sports organization.**

4 **(ii) Is a licensed, registered, or certified professional and offers or**
5 **provides services to an athlete customarily provided by members of the**
6 **profession, unless the individual also performs any of the following activities:**

7 **(aa) Recruits or solicits the athlete to enter into an agent contract or**
8 **endorsement contract.**

9 **(bb) Procures, for compensation, employment or offers, promises,**
10 **attempts, or negotiates to obtain employment for the athlete as a professional**
11 **athlete or member of a professional sports team or organization.**

12 **(cc) Receives consideration for providing the services calculated using**
13 **a different method than for an individual who is not a student athlete.**

14 (5) "Athlete contract" means any contract or agreement executed by ~~a student~~
15 **an** athlete with an educational institution or school concerning the student's
16 participation in that institution's intercollegiate sport contests or interscholastic
17 athletic activities.

18 (6) "Certified by the appropriate players association" means that an athlete
19 agent has received approval of his application for certification from the appropriate
20 players association of the professional league for which he is soliciting athletes, has
21 fulfilled all other requirements of the players association, and is in good standing
22 before the players association.

23 (7) "Contact" means any communication, **directly or indirectly,** by an
24 athlete agent or by any intermediary with an athlete, or with any third person for the
25 purpose of having that third person communicate with the athlete about the
26 possibility of or formation of any business, financial, or other contractual
27 relationship or agreement, including an agent contract, a professional services
28 contract, or a professional sports services contract, **or endorsement contract.**

29 (8) "Division" means the public protection division of the Department of

1 Justice.

2 (9) "Endorsement contract" means an agreement under which an athlete
3 is employed or receives anything of value to permit the use, promotion, or
4 association of the athlete's name, image, and likeness, publicity, reputation,
5 following, fame, or other personal or commercial attributes, whether or not
6 related to the athlete's athletic ability or performance.

7 (10) "Endorsement activities" means activities related to advertising or
8 sponsorship in which an athlete, for consideration or other value, uses or
9 permits the use or association of the athlete's name, image, likeness, publicity,
10 reputation, following, fame, or other personal or commercial attributes,
11 whether or not related to the athlete's athletic ability or performance.

12 (11) "Educational institution" means any institution of higher education
13 in this state, including any postsecondary institution, community college,
14 college, institution of higher learning, or university, whether public or private.

15 (12) "Federation or association" means any state or national federation,
16 association, or commission for the promotion and regulation of interscholastic or
17 intercollegiate sports governing athletes and their relationships with athlete agents.

18 ~~(10) "Institution" means any institution of higher education in this state~~
19 ~~having an athlete contract with an athlete.~~

20 ~~(11)~~ (13) "Intermediaries" or "third person" means any persons other than the
21 athlete agent or the athlete.

22 ~~(12)~~ (14) "Person" means an individual, estate, company, corporation,
23 business or nonprofit entity association, partnership, or other legal entity.

24 ~~(13)~~ (15) "Registered athlete agent" means an athlete agent registered with
25 the division under the provisions of this Chapter.

26 (16) "Registration" means registration as an athlete agent under this
27 Chapter

28 ~~(14)~~ (17) "School" means any secondary school in this state, including high
29 schools and junior high schools, ~~that has an athlete contract with an athlete.~~

1 shall state:

2 (a) ~~The name of the applicant and the address of the applicant's principal~~
3 ~~place of business.~~ **An applicant for registration as an athlete agent shall submit**
4 **an application to the division on a form prescribed by the division. The**
5 **applicant shall be an individual.**

6 **(2)The application shall be signed by the applicant under penalty of**
7 **perjury, notarized, and shall include, at a minimum, the following information:**

8 **(a) The applicant's full name and date and place of birth.**

9 **(b)The applicant's principal place of business and all contact**
10 **information, including work and mobile telephone numbers and means of**
11 **electronic communication.**

12 **(c) The name and address of each business or employer of the applicant,**
13 **including the nature and form of the business.**

14 **(d) Each social-media account with which the applicant or the**
15 **applicant's business or employer is affiliated.**

16 ~~(b)~~ **(e) The business or occupation engaged in by the applicant for during the**
17 **five years immediately preceding the date of application, including any**
18 **professional or occupational licenses, registrations, or certifications held during**
19 **that period.**

20 **(f) Whether the applicant is certified or registered by any professional**
21 **sports league or players association, including the name of the association and**
22 **the status of the certification.**

23 **(g) A description of the applicant's formal training, practical experience,**
24 **and educational background relating to activities as an athlete agent.**

25 ~~(c)~~ **(h) The names and addresses of three references, including any persons,**
26 **if any, with whom the applicant has dealt in his capacity as an athlete agent or in the**
27 **practice of his business or profession, not to exceed three such persons.**

28 ~~(d)~~ **(i)The names and addresses of all persons, except bona fide employees**
29 **on stated salaries, who are financially interested as partners, associates, ~~or~~ officers,**

1 managers, members, profit sharers, or who directly or indirectly hold an
2 ownership or equity interest of five percent or greater in the applicant's
3 operation of the business of the athlete agent.

4 ~~(e)~~ **(j)** The names and addresses of all athletes for whom the **applicant acted**
5 **as an** athlete agent is ~~providing professional services for compensation at the time~~
6 ~~of the renewal~~ **within the five years preceding the date of this application,**
7 **including the sport and last-known educational institution or school.**

8 ~~(f)~~ **(k)** The name and address of the applicant's agent for service of process,
9 including an affidavit accepting such appointment from the applicant's agent for
10 service of process, if not previously filed and on record with the secretary of state.

11 **(l) Whether the applicant, or any person identified in Subparagraph (h)**
12 **of this Paragraph, has been denied, has suspended, withdrawn, or terminated**
13 **any state or federal professional, occupational, or business license, including**
14 **any reprimand or censure.**

15 **(m) Whether the applicant, or any person identified in subparagraph (h)**
16 **of this Paragraph, has been a defendant or respondent in any civil proceeding**
17 **within the preceding fifteen years, including the nature and disposition of the**
18 **proceeding.**

19 **(n) Whether the applicant, or any person identified in Subparagraph (h)**
20 **of this Paragraph, has an unsatisfied judgment, or a judgment of continuing**
21 **effect.**

22 **(o) Whether the applicant, or any person identified in Subparagraph (h)**
23 **of this Paragraph, has been adjudicated bankrupt within the preceding ten**
24 **years.**

25 **(p) Whether there has been any administrative or judicial determination**
26 **that the applicant, or any person identified in Subparagraph (h) of this**
27 **Paragraph, made a false, misleading, deceptive, or fraudulent representation.**

28 **(q) Each instance in which conduct of the applicant, or any person**
29 **identified in Subparagraph (h) of this Paragraph, resulted in a sanction,**

1 suspension, or declaration of ineligibility imposed on an athlete or an
2 educational institution or school.

3 (r) Each sanction, suspension, denial, revocation, or refusal to renew any
4 registration as an athlete agent in this or any other state.

5 (s) Each state in which the applicant is currently registered or has
6 applied to be registered as an athlete agent.

7 (t) Any additional information required by the division to administer this
8 Chapter.

9 (u) Proof of completion of training as prescribed by the attorney general.

10 ~~(2)~~ **(3)** If the applicant is a corporation, the information required by this
11 Subsection shall be provided by each officer of that corporation. If the applicant is
12 an association or partnership, such information shall be provided by each associate
13 or partner.

14 C. ~~The registration is valid from July first of one year through June thirtieth~~
15 ~~of the following year. An initial registration is valid until the first June thirtieth~~
16 ~~following the date of the registration. Renewal of the registration may be made by~~
17 ~~the filing of an application for renewal.~~

18 D. ~~To produce sufficient revenue to offset the expenses incurred by the~~
19 ~~division in administering this Chapter, an annual registration fee of one hundred~~
20 ~~dollars shall be paid.~~ **With respect to agent contracts, the applicant shall be**
21 **certified by the appropriate player's association. Certification by a player's**
22 **association shall not be required for registration for an athlete agent engaged**
23 **only for the purposes of endorsement contracts or endorsement activities**
24 **pursuant to this Chapter, but any such certification shall be disclosed.**

25 **D.(1) An individual registered as an athlete agent in another state may**
26 **apply for registration in this state by submitting all of the following:**

27 **(a) A copy of the application for registration filed in the other state.**

28 **(b) A statement signed under penalty of perjury and identifying any**
29 **material change in the information contained in the application or affirming**

1 that no material change has occurred.

2 (c) A copy of the certificate of registration issued by the other state.

3 (2) The division may issue a certificate of registration if the division
4 determines all of the following:

5 (a) The registration requirements of the other state are substantially
6 similar to or more restrictive than those of this Chapter.

7 (b) The applicant's registration has not been suspended or revoked and
8 no disciplinary action involving the applicant's conduct as an athlete agent is
9 pending in any jurisdiction.

10 (3) The division may cooperate with other states and national
11 organizations to develop common registration standards and to exchange
12 information relating to disciplinary actions.

13 E. The registration or renewal of registration issued under this Chapter
14 is valid for two years. Renewal of the registration may be made by the filing of
15 an application for renewal.

16 F. (1) By acting as an athlete agent in this state, a nonresident individual
17 appoints the secretary of state as the individual's agent for service of process in
18 any civil or administrative action arising from conduct under this Chapter.

19 (2) The division may issue subpoenas for documents, records, and
20 testimony relevant to the administration or enforcement of this Chapter.

21 G. To produce sufficient revenue to offset the expenses incurred by the
22 division in administering this Chapter, an application for registration or
23 renewal of registration of an athlete agent shall be accompanied by the
24 appropriate registration fee in the following amount:

25 (1) One thousand dollars for an initial application for registration.

26 (2) Five hundred dollars for registration based on a certificate of
27 registration issued by another state.

28 (3) One thousand dollars for renewal of a registration.

29 (4) Five hundred dollars for renewal of registration based on a certificate

1 **of registration issued by another state.**

2 **H. The attorney general shall prescribe training for all applicants for**
3 **registration as an athlete agent.**

4 **I.(1) As a condition of registration, each applicant shall consent to and**
5 **submit to a background check conducted by or on behalf of the division.**

6 **(2) The background check may include but is not limited to:**

7 **(a) Criminal history records checks through state and federal databases.**

8 **(b) Fingerprint-based background checks.**

9 **(c) Verification of information provided in the application.**

10 **(d) Credit history checks.**

11 **(e) Professional licensing verification.**

12 **(3) The applicant shall bear the cost of the background check.**

13 **(4) Failure to consent to or cooperate with the background check shall**
14 **result in denial of the application.**

15 §422.1. Denial of registration; refusal to renew; revocation or suspension;
16 notification; hearing

17 A. ~~The division may, pursuant to an adjudicatory hearing, refuse to issue or~~
18 ~~renew a registration upon proof that the applicant has engaged in any one or more~~
19 ~~of the following activities:~~ **The division may refuse to issue or renew a certificate**
20 **of registration to an applicant for registration if the division determines that the**
21 **applicant fails to comply with any requirement of this Chapter, or the rules the**
22 **division adopts, including but not limited to submitting an incomplete**
23 **application or failing to provide any information, document, or fee required by**
24 **R.S. 4:422.**

25 **B. The division may refuse to issue or renew; or may suspend or revoke,**
26 **a certificate of registration if the division determines the applicant has engaged**
27 **in conduct that has a significantly adverse effect on the applicant's fitness to act**
28 **as an athlete agent. In making the determination, the division may consider**
29 **whether the applicant has:**

1 (1) ~~Has made false or , misleading statements of a material nature in his~~
2 ~~application for registration or renewal.~~

3 (2) ~~Has ever been convicted of fraud, embezzlement, a felonious theft, or any~~
4 ~~other crime involving a misappropriation of funds, which could render him unfit in~~
5 ~~a fiduciary capacity.~~

6 (3) ~~Has engaged in conduct which violates or causes an athlete to violate any~~
7 ~~rule or regulation promulgated by any federation or association.~~

8 (4) **(2) Has violated any provision of this Chapter or rules adopted**
9 **pursuant to this Chapter.**

10 (3) ~~Has been denied certification by any professional players association.~~

11 (4) **Has had a registration as an athlete agent denied, suspended,**
12 **revoked, or refused renewal in this or any other state.**

13 (5) ~~Has engaged in conduct which has caused an educational institution or~~
14 ~~school to be investigated by or sanctioned by any federation or association.~~

15 (6) **Has engaged in conduct that adversely reflects on the individual's**
16 **credibility, honesty, or integrity.**

17 **C. The division shall refuse to issue or renew; or shall suspend or revoke,**
18 **a certificate of registration if the division determines the applicant has ever**
19 **engaged in either of the following:**

20 (1) **Plead guilty or no contest to, or has been convicted of fraud,**
21 **embezzlement, a felonious theft, any crime involving moral turpitude, or any**
22 **other crime involving a misappropriation of funds, which could render him**
23 **unfit in a fiduciary capacity.**

24 (2) **Made false or misleading, deceptive, or fraudulent statements of a**
25 **material nature in his application for registration or renewal, or in his conduct**
26 **as an athlete agent.**

27 B: **D.** The division may, pursuant to an adjudicatory hearing **or district court**
28 **proceeding,** suspend or revoke a registration upon proof that an athlete agent has
29 engaged in any of the activities enumerated in Subsection A of this Section or for a

1 violation of this Chapter or any rule adopted pursuant to this Chapter.

2 ~~€. E.~~ Prior to a denial, refusal to renew, suspension, or revocation of
3 registration, the division shall notify the applicant or athlete agent ~~in writing by~~
4 ~~certified mail~~ of the reasons for denial, refusal to renew, suspension, or revocation
5 and of the date of the hearing. All adjudicatory hearings shall be held in accordance
6 with the Administrative Procedure Act.

7 **F. The division may issue a temporary certificate of registration while an**
8 **application for registration or renewal is pending.**

9 §423. Agent's contract; schedule of fees; maximum fee; notification; penalty

10 * * *

11 G. * * *

12 (4) Any **agent** contract executed by a ~~student~~ **an** athlete with an athlete agent
13 who has failed to comply with the notification and disclosure requirements of ~~R.S.~~
14 ~~4:423(B) and 424(C)~~ **this Section and R.S. 4:424(C)** and (D) is void and
15 unenforceable.

16 * * *

17 **§423.1. Additional required disclosures for endorsement contracts; rules**

18 **A. This Section applies to endorsement contracts as defined in R.S. 4:421,**
19 **regardless of whether the endorsement contract relates to athletic competition**
20 **or performance.**

21 **B. (1) An endorsement contract shall be in writing.**

22 **(2) An endorsement contract shall contain, at a minimum, all of the**
23 **following:**

24 **(a) A statement that the athlete agent is registered as an athlete agent in**
25 **this state and a list of any other states in which the athlete agent is registered.**

26 **(b) The amount and method of calculating the consideration or fee to be**
27 **paid by or on behalf of the athlete to the athlete agent, and any other**
28 **consideration or fee the athlete agent has received or will receive from any other**
29 **source in connection with the endorsement contract.**

1 (7) Offer anything of value to the athlete or any other person to induce an
2 athlete to enter into an agreement, written or oral, for representation of the athlete
3 **agent contract, or endorsement contract.**

4 (8) Postdate agent contracts **or endorsement contracts.**

5 (9) Contact an athlete in a manner so as to violate the rules of the federation
6 or association of which that school or **educational** institution where the athlete is
7 participating in sports contests is a member, to discuss the athlete agent's
8 representation of the athlete in the marketing of the athlete's athletic ability or
9 reputation, **or endorsement activities.**

10 **(10) Make an agreement for, charge, or collect an unreasonable fee, or**
11 **an unreasonable amount for consideration or expenses.**

12 B. ~~Only an athlete agent shall be allowed to contact an athlete. The use,~~
13 ~~encouragement, or solicitation of any intermediaries or third persons to contact an~~
14 ~~athlete by an athlete agent is prohibited.~~

15 €: An athlete agent owes all of the following duties to an athlete:

16 (1) A duty to disclose to the athlete any risk of loss of eligibility.

17 (2) A duty to explain to the athlete all foreseeable consequences of any
18 ~~athlete agent contacts~~ **agent contracts or endorsement contracts, including**
19 **agreements relating to name, image, and likeness activities where applicable.**

20 (3) A duty to refrain from any contacts with an athlete until having complied
21 with notification requirements to the ~~institutions or schools~~ **division** as ~~required by~~
22 ~~Subsection D of this Section~~ **provided in R.S. 4:422(A)(2).**

23 (4) A duty to deal directly and without the use of intermediaries or any third
24 person with any athlete.

25 (5) A duty to not provide an athlete with anything of value prior to the
26 execution of an agent contract **or endorsement contract, except as otherwise**
27 **expressly permitted by this Chapter.**

28 (6) A duty to refrain from any conduct which would cause the athlete to
29 violate any rule of the federation or association of which the **educational** institution

1 or school where the athlete is participating in sports contests is a member.

2 ~~D. C.~~ An athlete agent owes all of the following duties to an educational
3 institution or school:

4 (1) A duty to comply with notification requirements to the athletic director
5 of the institution or school the athlete attends and to the head coach of the sport in
6 which the athlete competes, with respect to agent only.

7 (2) A duty to refrain from any conduct which would cause the educational
8 institution or school to violate the rules of the federation or association of which the
9 educational institution or school where the athlete is participating in sports contests
10 is a member.

11 (3) A duty to notify the athletic director of the institution or school that the
12 athlete attends and the head coach of the sport in which the athlete competes seven
13 days in advance of any contact with an athlete of an intent by the agent to contact the
14 athlete for purposes of representation, with respect to agent contracts only .

15 (4) A duty to notify the athletic director of the educational institution or
16 school that the athlete attends and the head coach of the sport in which the athlete
17 competes by way of written notice of the execution of an agency agent contract
18 which must be given before any subsequent participation by the ~~student~~ athlete in
19 ~~interscholastic or intercollegiate athletics~~ the educational institution or school
20 athletics program and not later than seventy-two hours after execution of an agent
21 contract.

22 E. D. Until such time as the athlete agent complies with the notification
23 provided in Subsection ~~D C~~ of this Section, this Chapter shall prohibit or limit an
24 athlete agent from sending to an athlete any written materials relating to the
25 professional credentials of the agent or to specific services offered by the agent
26 relating to the representation of an athlete ~~in the marketing of an athlete's athletic~~
27 ~~ability or reputation~~ and agent contracts. Similarly, until such time as the athlete
28 agent complies with the notification provided in Subsection ~~D C~~ of this Section, this
29 Chapter shall prohibit an athlete agent from any contact with the athlete or any third

1 person, regardless of who attempts to initiate such contact.

2 E. With respect to endorsement contracts or endorsement activities
3 related to an athlete's name, image, and likeness matters, the athlete agent, and
4 any athlete with whom the athlete agent engages with, shall comply with all
5 applicable requirements of R.S. 17:3703 and any rules adopted by the division
6 under R.S. 4:423.1.

7 * * *

8 §426. Violations; penalties

9 A. An athlete agent who violates the provisions of this Chapter is subject,
10 pursuant to an adjudicatory hearing or district court proceeding, to:

11 (1) Forfeiture of any right of repayment of anything of value either received
12 by an athlete as an inducement to enter into any agent contract or received for any
13 other reason.

14 (2) Payment of a refund of any consideration paid to the athlete agent on an
15 athlete's behalf.

16 (3) Payment of reasonable attorney fees and court costs incurred by an athlete
17 in suing an athlete agent for violation of this Chapter.

18 B. Upon a finding that an athlete agent has violated a provision of this
19 Chapter, as determined from admissions of the athlete agent freely and
20 voluntarily made or as the result of an adjudicatory hearing, the administrative
21 law judge may assess a fine against an athlete agent not to exceed one hundred
22 thousand dollars for a violation of this Chapter.

23 C. All fines received from the payment of the fines imposed and collected
24 pursuant to the provisions of this Section shall be deposited into the Department
25 of Justice Legal Support Fund pursuant to R.S. 49:259.

26 ~~B.~~ D. Any person commits an offense if he intentionally or knowingly either
27 files a false sworn complaint, application, or gives false sworn testimony to any
28 person concerning activities covered by this Chapter. This offense, upon conviction,
29 shall be punishable by a fine of not more than one thousand dollars or by

1 imprisonment of not more than six months, or both.

2 ~~C.~~ E. Any athlete agent who fails to register as required by R.S. 4:422 shall,
3 upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than
4 one thousand dollars or by imprisonment of not more than six months, or both.

5 ~~D.~~ F. Any athlete agent who violates any other duty, obligation, or
6 responsibility prescribed by R.S. 4:424 or engages in conduct prohibited by that
7 Section, shall, upon conviction, be guilty of a felony punishable by a fine of no less
8 than one thousand dollars and not more than ten thousand dollars or by imprisonment
9 with or without hard labor for up to five years, or both.

10 ~~E.~~ G. Any athlete agent who fails to comply with the filing and notice
11 requirements of R.S. 4:423 shall, upon conviction, be guilty of a misdemeanor
12 punishable by a fine of not more than one thousand dollars or by imprisonment of
13 not more than six months, or both.

14 §427. Records to be kept; penalties

15 A. An athlete agent shall keep records of travel, entertainment, and other
16 expenses incurred by the athlete agent which adequately describe the:

17 * * *

18 **(8) Copies of all agent contracts and endorsement contracts entered into**
19 **with athletes.**

20 * * *

21 §431. Enforcement

22 ~~A. Each year the division shall compile a list of athletes, which were signed~~
23 ~~to a contract by a professional sports team, and shall contact the appropriate players~~
24 ~~associations to determine which agents have been retained to represent those athletes.~~

25 **(1) The division may, to the extent practicable, maintain a record or**
26 **database of registered athlete agents who provide representation or advice in**
27 **connection with endorsement contracts or name, image, and likeness matters.**

28 **(2) The division may require registered agents to report annually or**
29 **upon request the names of athletes for whom they have provided such services**

1 **in the preceding year, including the sport and last-known educational institution**
 2 **or school, to facilitate compliance monitoring and enforcement under this**
 3 **Chapter and R.S. 17:3703.**

4 B. In the event that the agents retained by the athletes are not registered in
 5 this state, the division ~~shall~~ **may** contact the district attorney where the athlete's
 6 school or **educational** institution ~~of higher education~~ is located. The district
 7 attorney's office ~~shall~~ **may** take appropriate measures to investigate and prosecute
 8 any unregistered athlete agents operating in this state.

9 C. The division ~~shall~~ **may** inform in writing the appropriate players
 10 association of any unregistered athlete agent operating in this state.

11 §432. Liability for loss of eligibility

12 A. If an athlete loses his eligibility to participate in sports sanctioned by the
 13 federation or association of which the school or **educational** institution is a member,
 14 or if the school or **educational** institution is investigated or sanctioned by such
 15 federation or association as a result of any violation of the rules of the federation or
 16 association of which the school or **educational** institution is a member, the school
 17 or **educational** institution ~~of higher education~~ that such athlete attended shall have
 18 a cause of action, specifically including but not limited to an action of tortious
 19 interference with a contract, against such athlete, the athlete agent of such athlete,
 20 and any other parties connected with the violation.

21 * * *

22 **§432.1. Civil remedies**

23 **A. An athlete may bring a civil action against an athlete agent for**
 24 **damages if the athlete is adversely affected by an act or omission of the athlete**
 25 **agent in violation of this Chapter. An athlete is adversely affected if, because of**
 26 **the act or omission, the athlete is harmed by either of the following:**

27 **(1) Loses eligibility or is suspended or disqualified from participation in**
 28 **interscholastic or intercollegiate athletics.**

29 **(2) Suffers financial or reputational harm.**

1 **B. In an action brought under this Section, the court may award actual**
 2 **damages, court costs, and reasonable attorney's fees. An athlete agent found**
 3 **liable under this Section forfeits any right to compensation and shall refund any**
 4 **consideration paid to or on behalf of the athlete.**

5 §433. Unlawful payments; penalties

6 A. Notwithstanding any other provision of this Chapter to the contrary, it
 7 shall be unlawful for any person to make or offer a monetary payment, or anything
 8 of value to an athlete or any other person where such offer does any one or both of
 9 the following:

10 (1) Causes **or is intended to cause** the athlete **to be penalized or** to lose his
 11 eligibility to participate in sports sanctioned by the federation or association of which
 12 the school or institution is a member.

13 (2) Causes **or is intended to cause** the **educational** institution ~~of higher~~
 14 ~~education~~ or school which the athlete attended or was being recruited to participate
 15 in sports contests ~~at the time the payment or thing of value was received,~~ to be
 16 investigated or placed on probation, penalized, or otherwise sanctioned by the
 17 federation or association of which the school or institution is a member.

18 B. The athlete and the **educational** institution or school shall each have an
 19 independent cause of action, specifically including but not limited to a cause of
 20 action for tortious interference with an athlete contract against such person for
 21 damages, reasonable attorney fees, and court costs.

22 * * *

23 **§434. Unfair or deceptive acts or practices; investigations and actions by the**
 24 **attorney general; private actions**

25 **A. A violation of this Chapter constitutes an unfair or deceptive act or**
 26 **practice in trade or commerce for purposes of the Louisiana Unfair Trade**
 27 **Practices and Consumer Protection Law, R.S. 51:1401 et seq., and shall subject**
 28 **the violator to all actions, remedies, and penalties therein, including**
 29 **investigations and actions by the attorney general and private actions.**

1 **B. The remedies and penalties provided by this Section are cumulative**
 2 **and in addition to any other civil, administrative, or criminal remedies or**
 3 **penalties provided by this Chapter or available under other laws of this state.**

4 Section 2. R.S. 4:425 and 430 are hereby repealed.

5 Section 3. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 389 Original

2026 Regular Session

Connick

Present law provides for the licensing and regulation of agents representing professional and prospective professional athletes.

Proposed law retains present law with respect to licensing and regulation of agents representing professional and prospective professional athletes and adds those agents representing student athletes in college and high school.

Present law defines an "athlete agent" as any person who recruits or solicits an athlete to enter into an agent contract or professional sport services contract with any person, or who offers anything of value to any person to induce an athlete to enter into an agreement by which any person will represent the athlete, or who for anything of value procures, offers, promises, or attempts to obtain employment for an athlete with a professional sports team.

Proposed law defines an "athlete agent" as an individual who does any of the following:

- (1) Enters into an agent contract with an athlete or, directly or indirectly, recruits or solicits an athlete to enter into an agent contract for compensation or in anticipation of compensation.
- (2) Represents or advises an athlete in connection with an endorsement contract, or endorsement activities, including name, image, and likeness matters for compensation or in anticipation of compensation.

Proposed law defines an "endorsement contract" as an agreement under which an athlete is employed or receives anything of value to permit the use, promotion, or association of the athlete's name, image, and likeness, publicity, reputation, following, fame, or other personal or commercial attributes, whether or not related to the athlete's athletic ability or performance.

Present law requires an athlete agent to register with the Dept. of Justice public protection division.

Proposed law retains present law and further requires that an individual who is not previously registered may act as an athlete agent for purposes other than entering into an agent contract or endorsement contract if all of the following occur:

- (1) The athlete or third person acting on behalf of the athlete initiates communication with the individual.
- (2) Not later than seven days after the initial act that requires registration under proposed law, the individual submits a completed application for registration to the division.

Proposed law provides that the registration or renewal of registration be valid for two years.

Proposed law requires nonresident athlete agents to appoint the LA. secretary of state as his agent for service of process in any civil or administrative action arising from conduct under proposed law.

Proposed law authorizes the divisions to charge the following fees to produce sufficient revenue to offset the expenses incurred by the division in administering proposed law, as follows:

- (1) \$1,000 for an initial application for registration.
- (2) \$500 for registration based on a certificate of registration issued by another state.
- (3) \$1,000 for renewal of a registration.
- (4) \$500 for renewal of registration based on a certificate of registration issued by another state.

Proposed law requires the attorney general to prescribe training for all applicants for registration as an athlete agent.

Proposed law requires each applicant to consent to and submit to a background check conducted by or on behalf of the division.

Proposed law authorizes the division to refuse to issue or renew a certificate of registration to an applicant for registration if the division determines that the applicant fails to comply with any requirement of proposed law, or the rules the division adopts.

Proposed law authorizes the division to refuse to issue or renew; or may suspend or revoke, a certificate of registration if the division determines the applicant has engaged in conduct that has a significantly adverse effect on the applicant's fitness to act as an athlete agent.

Proposed law requires the division to refuse to issue or renew; or shall suspend or revoke, a certificate of registration if the division determines the applicant has ever plead guilty or no contest to, or has been convicted of fraud, embezzlement, a felonious theft, any crime involving moral turpitude, or any other crime involving a misappropriation of funds, which could render him unfit in a fiduciary capacity.

Proposed law requires any endorsement contract to be used by an athlete agent with an athlete be filed with the division.

Proposed law requires an endorsement contract for compensation for the use of the athlete's name, image, or likeness (NIL) be disclosed to the educational institution before or upon execution and comply with present law.

Proposed law requires that endorsement contracts or endorsement activities related to an athlete's NIL matters, the athlete agent, and the athlete to comply with all applicable

requirements of present law and any rules adopted by the division.

Proposed law provides that upon a finding that an athlete agent has violated a provision of proposed law, as determined from admissions of the athlete agent freely and voluntarily made or as the result of an adjudicatory hearing, the administrative law judge may assess a fine against an athlete agent not to exceed \$100,000 for a violation of proposed law.

Proposed law requires that all fines received from the payment of the fines imposed and collected pursuant to the provisions of proposed law be deposited into the Dept. of Justice Legal Support Fund.

Proposed law authorizes the division to maintain a record or database of registered athlete agents who provide representation or advice in connection with endorsement contracts or NIL matters.

Proposed law provides that an athlete may bring a civil action against an athlete agent for damages if the athlete is adversely affected by an act or omission of the athlete agent in violation of proposed law.

Proposed law authorizes the court to award actual damages, court costs, and reasonable attorney's fees. Proposed law provides that if an athlete agent is found liable, he forfeits any right to compensation and shall refund any consideration paid to or on behalf of the athlete.

Proposed law provides that a violation of proposed law constitutes an unfair or deceptive act or practice in trade or commerce for purposes of the Louisiana Unfair Trade Practices and Consumer Protection Law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 4:420, 421(A), 422, 422.1, 423(G)(4), 424(A)(6) through (9), (B), (C), (D), and (E), 426, 431, 432(A), and 433(A) and (B); adds R.S. 4:423.1, 424(A)(10), 427(A)(8), and 432.1; repeals R.S. 4:425 and 430)