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DIGEST

SB 389 Reengrossed 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 "endorsement activities" as any activity or activities related to advertising or sponsorship in which an athlete, for consideration or other value, uses or permits the use or association of the athlete's name, image, likeness, publicity, reputation, following, fame, or other personal or commercial attributes, whether or not related to the athlete's athletic ability or performance.

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 a nonresident individual acting as an athlete agent in this state to appoint a registered agent with the Louisiana secretary of state's office to serve as their agent for service of process in any civil or administrative action arising from conduct under proposed law.

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

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 to 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 governs the relationship between an athlete and an athlete agent in connection with endorsement contracts and activities, including name, image, and likeness (NIL) matters. Further requires the athlete agent to execute a written endorsement representation disclosure, signed by both the agent and athlete, which shall govern the relationship for endorsement representation.

Proposed law requires the endorsement representation disclosure to include a statement of the athlete agent's registration status and a list of other states where the agent is registered.

Requires disclosure of the amount and method of calculating fees or consideration to be paid to the athlete agent, including any compensation received or to be received from any source. Further requires disclosure of the name of any third party receiving compensation in connection with an endorsement contract or activity and a description of such compensation.

Proposed law requires the athlete agent and athlete to retain an endorsement representation disclosure and produce it upon request by the division or subpoena. Further provides that failure of an athlete agent to execute an endorsement representation disclosure will result in forfeiture of compensation.

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

Proposed law requires an athlete agent to ensure that endorsement contracts are disclosed to the athlete's educational institution, prohibits representation in endorsement activities that would jeopardize the athlete's eligibility, and requires compliance with all applicable laws and rules governing NIL activities.

Proposed law requires that endorsement representation disclosure 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 monies 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 and used, to the extent possible, to fund the provisions of proposed law.

Proposed law authorizes the division to maintain a record or database of registered athlete agents.

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 him.

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.

Proposed law requires athlete agents operating prior to the effective date of the proposed law to register by August 1, 2026, and prohibits unregistered agents from continuing operations until registration is complete.

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), 432.1, 434, and 435; repeals R.S. 4:425 and 430)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Expands the definitions of "athlete" and "athlete contract".
2. Removes the requirement that the application signed under penalty of perjury be notarized.
3. Makes registration mandatory.
4. Establishes a formal endorsement representation disclosure governing agent relationships for endorsement and name, image, and likeness matters.
5. Changes the term from endorsement contract to endorsement representation disclosure.
6. Expands disclosures to include all compensation or fees received by the agent from any source.
7. Adds requirements for athlete agent and athlete to retain disclosures and produce them upon request by the division or subpoena.
8. Provides that failure of an athlete agent to execute an endorsement representation disclosure will result in forfeiture of compensation.
9. Adds name, image, and likeness requirements, including disclosure to schools, and prohibition on representation that jeopardizes eligibility.
10. Requires existing athlete agents to register by August 1, 2026, or cease operations.
11. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Provide for the definition of "endorsement activities".
2. Require a nonresident individual acting as an athlete agent in this state to appoint a registered agent with the secretary of state's office to serve as their agent for service of process.
3. Provide that all monies received from the payment of the fines imposed and collected pursuant to the provisions of proposed law are deposited into the Dept. of Justice Legal Support Fund.
4. Remove language pertaining to the database of registered athlete agents.
5. Require an athlete agent to refund any consideration paid to him if found liable in a civil action.
6. Make technical changes.