

STATE OF NEW YORK

3513

2021-2022 Regular Sessions

IN SENATE

January 29, 2021

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to allowing student athletes to monetize their names and likeness

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 6438-a
2 to read as follows:

3 § 6438-a. Student athlete monetization. 1. (a) A student athlete shall
4 not enter into a contract providing compensation to the student athlete
5 for use of the athlete's name, image, or likeness if a provision of the
6 contract is in conflict with a provision of the student athlete's team
7 contract.

8 (b) A student athlete who enters into a contract providing compen-
9 sation to such student athlete for use of such athlete's name, image, or
10 likeness shall disclose the contract to an official of the college, to
11 be designated by the college.

12 (c) A college asserting a conflict described in paragraph (a) of this
13 subdivision shall disclose to the student athlete or the student
14 athlete's legal representation the relevant contractual provisions that
15 are in conflict.

16 2. A contract between a student athlete and a college which the
17 student athlete attends shall not prevent a student athlete from using
18 the student athlete's name, image, or likeness for a commercial purpose
19 when the student athlete is not engaged in official athletic activities.

20 3. For the purposes of this section, the term "student athlete" shall
21 mean any student enrolled at a college where such student participates
22 in organized sports for the college.

23 § 2. This act shall take effect immediately provided, however, that
24 this act shall apply only to contracts entered into on or after such
25 effective date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD07565-01-1