

# STATE OF NEW YORK

8612

2019-2020 Regular Sessions

## IN ASSEMBLY

October 2, 2019

Introduced by M. of A. RYAN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to allowing student-athletes to earn compensation as a result of the use of that student's name, image or 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 compensation. 1. (a) A college, except a  
4 community college, shall not uphold any rule, requirement, standard, or  
5 other limitation that prevents a student of that institution participat-  
6 ing in intercollegiate athletics from earning compensation as a result  
7 of the use of the student's name, image, or likeness. Earning compen-  
8 sation from the use of a student's name, image, or likeness shall not  
9 affect the student's scholarship eligibility.

10 (b) An athletic association, conference, or other group or organiza-  
11 tion with authority over intercollegiate athletics, including, but not  
12 limited to, the National Collegiate Athletic Association, shall not  
13 prevent a student of a college participating in intercollegiate athlet-  
14 ics from earning compensation as a result of the use of the student's  
15 name, image, or likeness.

16 (c) An athletic association, conference, or other group or organiza-  
17 tion with authority over intercollegiate athletics, including, but not  
18 limited to, the National Collegiate Athletic Association, shall not  
19 prevent a college from participating in intercollegiate athletics as a  
20 result of the compensation of a student-athlete for the use of the  
21 student's name, image, or likeness.

22 2. A college, athletic association, conference, or other group or  
23 organization with authority over intercollegiate athletics shall not

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

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1 provide a prospective student-athlete with compensation in relation to  
2 the athlete's name, image, or likeness.

3 3. (a) A college, athletic association, conference, or other group or  
4 organization with authority over intercollegiate athletics shall not  
5 prevent a student-athlete participating in intercollegiate athletics  
6 from obtaining professional representation in relation to contracts or  
7 legal matters, including, but not limited to, representation provided by  
8 athlete agents or legal representation provided by attorneys.

9 (b) Professional representation obtained by student athletes shall be  
10 from persons registered and/or licensed by the state. Professional  
11 representation provided by athlete agents shall be by persons registered  
12 pursuant to article thirty-nine-e of the general business law. Legal  
13 representation of student athletes shall be by attorneys licensed pursu-  
14 ant to article fifteen of the judiciary law.

15 (c) Athlete agents representing student athletes shall comply with the  
16 federal Sports Agent Responsibility and Trust Act, established in chap-  
17 ter 104 of title 15 of the United States Code, in their relationships  
18 with student athletes.

19 4. A scholarship from the college in which a student is enrolled that  
20 provides the student with the cost of attendance at that institution is  
21 not compensation for purposes of this section, and a scholarship shall  
22 not be revoked as a result of earning compensation or obtaining legal  
23 representation pursuant to this section.

24 5. (a) A student-athlete shall not enter into a contract providing  
25 compensation to the athlete for use of the athlete's name, image, or  
26 likeness if a provision of the contract is in conflict with a provision  
27 of the athlete's team contract.

28 (b) A student-athlete who enters into a contract providing compen-  
29 sation to the athlete for use of the athlete's name, image, or likeness  
30 shall disclose the contract to an official of the college, to be desig-  
31 nated by the college.

32 (c) A college asserting a conflict described in paragraph (a) of this  
33 subdivision shall disclose to the athlete or the athlete's legal repre-  
34 sentation the relevant contractual provisions that are in conflict.

35 6. After the effective date of this section, a new team contract or a  
36 renewal or modification of a team contract of a college's athletic  
37 program shall not prevent a student-athlete from using the athlete's  
38 name, image, or likeness for a commercial purpose when the athlete is  
39 not engaged in official team activities.

40 § 2. This act shall take effect immediately.