# 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:**

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

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

**(b) A student athlete who enters into a contract providing compensation to such student athlete for use of such athlete's name, image, or likeness shall disclose the contract to an official of the college, to be designated by the college.**

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

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

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

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

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

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