

# 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.

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