STATE OF NEW YORK

4771

2021-2022 Regular Sessions

IN SENATE

February 11, 2021

Introduced by Sen. GRIFFO -- 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 authorizing student athletes to receive compensation for the use of his or her name, image, or 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 compensation. 1. (a) A college shall not uphold any rule, requirement, standard, or other limitation that prevents a student of that institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness shall not affect the student's scholarship eligibility.

(b) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association, shall not prevent a student of a college participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness.

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

2. A college, athletic association, conference, or other group or 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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provide a prospective student athlete with compensation in relation to the athlete's name, image, or likeness.

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

(b) Professional representation obtained by student athletes shall be from persons registered and/or licensed by the state. Professional representation provided by athlete agents shall be by persons registered pursuant to article thirty-nine-E of the general business law. Legal representation of student athletes shall be by attorneys licensed pursuant to article fifteen of the judiciary law.

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

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

5. (a) A student athlete shall not enter into a contract providing compensation to the 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 athlete's team contract.

(b) A student athlete who enters into a contract providing compensation to the athlete for use of the 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 athlete's legal representation the relevant contractual provisions that are in conflict.

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

§ 2. This act shall take effect immediately.