STATE OF NEW YORK

7107

2023-2024 Regular Sessions

IN ASSEMBLY

May 11, 2023

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

AN ACT to to amend the education law, in relation to permissible activities for athletic associations, conferences, or other groups or organizations with authority over intercollegiate athletics and the definition of student-athlete

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

Section 1. Section 6438-a of the education law, as added by chapter 622 of the laws of 2022, is renumbered section 6438-c.

§ 2. Paragraph (a) of subdivision 1 of section 6438-c of the education law, as added by chapter 622 of the laws of 2022 and such section as renumbered by section 1 of this act, is amended to read as follows:

(a) "student-athlete" shall mean [~~a student enrolled at a college and participating in intercollegiate athletics~~] an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport; and

§ 3. Paragraph (c) of subdivision 2 of section 6438-c of the education law, as added by chapter 622 of the laws of 2022 and such section as renumbered by section 1 of this act, is amended and a new paragraph (d) is added to read as follows:

(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 (NCAA)~~] NCAA, shall not prevent a college from [~~participating in intercollegiate athletics as a result of allowing a student-athlete pursuant to this section from earning compensation as a result of the use of the student-athlete's name, image, or likeness~~] identifying, facilitating, enabling,

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

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or supporting opportunities for a student-athlete to earn compensation for the student-athlete's name, image, or likeness activities.

(d) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to the NCAA, and shall not authorize its member institutions to:

(i) prevent a college from participation in intercollegiate athletics because a student-athlete in attendance has previously earned or intends to earn compensation for the use of his or her name, image, or likeness activities;

(ii) entertain a complaint, open an investigation, or take any other adverse action against a college for engaging in any activity protected in this section or for involvement in a student-athlete's name, image, or likeness activities; or

(iii) penalize or prevent a college from participation in intercollegiate athletics because an individual or entity whose purpose includes supporting or benefitting the college or its athletic programs or student-athletes violates the collegiate athletic association's rules or regulations with regard to a student-athlete's name, image, or likeness activities.

§ 4. This act shall take effect immediately.