STATE OF NEW YORK

7388--A

2023-2024 Regular Sessions

IN SENATE

May 22, 2023

Introduced by Sens. PARKER, GOUNARDES, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT 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 one of this act, is amended to read as follows:

(a) "student-athlete" shall mean **(i)** a student enrolled at a college and participating in intercollegiate athletics**, or (ii) an individual who has completed at least their sophomore year of high school or international equivalent and is eligible, or may in the future be eligible, to attend a college and participate in intercollegiate athletics. Such term shall 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 one 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**: (i)** participating in intercollegiate athletics as a result of allowing a student-athlete pursuant to this

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

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section from earning compensation as a result of the use of the student-athlete's name, image, or likeness; or (ii) identifying, facilitating, enabling, or supporting opportunities for a student-athlete to earn compensation for the student-athlete's name, image, or likeness.

(d) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to the NCAA, shall not 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;

(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; 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.

§ 4. This act shall take effect immediately.