

House Bill 743

By: Representatives Mitchell of the 88th, Carpenter of the 4th, Hill of the 3rd, Kirby of the 114th, Jasperse of the 11th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to
2 postsecondary education, so as to provide that student athletes participating in intercollegiate
3 athletics at postsecondary educational institutions may receive compensation for the use of
4 the student athlete's name, image, or likeness; to provide for application to athletic
5 associations and athletic conferences; to allow for professional representation of such student
6 athletes participating in intercollegiate athletics; to provide for definitions; to provide for
7 related matters; to provide for an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
12 education, is amended by adding a new article to read as follows:

13 style="text-align:center">"ARTICLE 13

14 20-3-680.

15 As used in this article, the term:

16 (1) 'Postsecondary educational institution' means a school which is:

17 (A) A unit of the University System of Georgia, including any college or university
18 under the government, control, and management of the Board of Regents of the
19 University System of Georgia; or

20 (B) An independent or private college or university located in Georgia and eligible to
21 be deemed an 'approved school' pursuant to paragraph (2) of Code Section 20-3-411.

22 (2) 'Student athlete' means a person enrolled at a postsecondary educational institution
23 who engages or is eligible to engage in any intercollegiate athletic program at such
24 institution. A person who is permanently ineligible to participate in a particular

25 intercollegiate athletic program is not a student athlete for the purposes of such athletic
26 program.

27 (3) 'Team contract' means any written agreement between a student athlete and a
28 postsecondary educational institution, or a division, department, program, or team
29 thereof, which includes goals and objectives, standards, prohibitions, rules, or
30 expectations applicable to the student athlete.

31 20-3-681.

32 Nothing in this article shall be construed as requiring or authorizing a postsecondary
33 educational institution to compensate a student athlete for participation in intercollegiate
34 athletics or for a postsecondary educational institution to compensate a student athlete for
35 the use of the student athlete's name, image, or likeness.

36 20-3-682.

37 No postsecondary educational institution; athletic association; athletic conference; or any
38 other group, association, conference, or organization having any authority or regulation
39 over intercollegiate athletics shall provide a prospective student athlete with compensation
40 for the use of the student athlete's name, image, or likeness.

41 20-3-683.

42 (a) Except as provided in this article, a student athlete may receive compensation as a
43 result of the use of his or her name, image, or likeness.

44 (b)(1) No postsecondary educational institution shall promulgate, enforce, or uphold any
45 rule, requirement, standard, or other limitation that prevents a student athlete from
46 receiving compensation as a result of the use of his or her name, image, or likeness.
47 Receiving compensation as provided for in this Code section shall not affect a student
48 athlete's eligibility to participate in any intercollegiate athletics program or for any
49 scholarships or other financial aid.

50 (2) No athletic association; athletic conference; or any other group, association,
51 conference, or organization having any authority or regulation over intercollegiate
52 athletics shall prevent a student athlete from receiving compensation, or penalize a
53 student athlete for receiving compensation, as a result of the use of the student athlete's
54 name, image, or likeness.

55 (3) No athletic association; athletic conference; or any other group, association,
56 conference, or organization having any authority or regulation over intercollegiate
57 athletics shall prevent a postsecondary educational institution from participating in
58 intercollegiate athletics, or otherwise penalize a postsecondary educational institution, as

59 a result of a student athlete receiving compensation as provided for under this Code
 60 section.

61 (c) Any student athlete who enters into a contract related to the use of his or her name,
 62 image, or likeness shall disclose such contract to an official of his or her postsecondary
 63 educational institution who shall be designated for such purposes.

64 (d)(1) A student athlete shall not enter into a contract related to the use of his or her
 65 name, image, or likeness if a provision of such contract is in conflict with the student
 66 athlete's team contract. A team contract entered into on or after the effective date of this
 67 article and required by a postsecondary educational institution, or a division, department,
 68 program, or team thereof, shall not include any provision which prevents or discourages
 69 a student athlete from receiving compensation for the use of his or her name, image, or
 70 likeness when the student is not engaged in official activities of the intercollegiate athletic
 71 program.

72 (2) A postsecondary educational institution asserting a conflict under paragraph (1) of
 73 this subsection must disclose to the student athlete or his or her representative the relevant
 74 provisions of the team contract that are asserted to be in conflict with the contract related
 75 to the use of the student athlete's name, image, or likeness.

76 20-3-684.

77 No postsecondary educational institution; athletic association; athletic conference; or any
 78 other group, association, conference, or organization having any authority or regulation
 79 over intercollegiate athletics shall prevent a student athlete from, or penalize any student
 80 athlete for, obtaining professional representation in relation to business or legal matters,
 81 including, but not limited to, representation by attorneys or athlete agents as provided for
 82 under Chapter 4A of Title 43."

83 **SECTION 2.**

84 This Act shall become effective on January 1, 2023.

85 **SECTION 3.**

86 All laws and parts of laws in conflict with this Act are repealed.