

2021 Regular Session

SENATE BILL NO. 60

BY SENATOR CONNICK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AMUSEMENTS/SPORTS. Provides relative to the compensation of intercollegiate athletes for the use of their name, image, or likeness. (7/1/21)

1 AN ACT

2 To enact Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised

3 of R.S. 17:3701 through 3703, relative to intercollegiate athletics; to provide relative

4 to the compensation and rights of intercollegiate athletes; to provide with respect to

5 professional representation of intercollegiate athletes; to provide for the

6 responsibilities of postsecondary education institutions with respect to intercollegiate

7 athletes' compensation; to provide for effectiveness; and to provide for related

8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950,

11 comprised of R.S. 17:3701 through 3703 is hereby enacted to read as follows:

12 **CHAPTER 30. INTERCOLLEGIATE ATHLETICS**

13 **§3701. Legislative intent**

14 **The legislature finds that intercollegiate athletics provide intercollegiate**

15 **athletes with significant educational opportunities. However, participation in**

16 **intercollegiate athletics should not infringe upon an intercollegiate athlete's**

17 **ability to earn compensation for the athlete's name, image, or likeness. An**

1 intercollegiate athlete must have an equal opportunity to control and profit
2 from the commercial use of the athlete's name, image, or likeness, and be
3 protected from unauthorized appropriation and commercial exploitation of the
4 athlete's right to publicity, including the athlete's name, image, or likeness.

5 §3702. Definitions

6 As used in this Chapter, the following terms and phrases shall have the
7 following meaning, unless the context clearly indicates otherwise:

8 (1) "Athletic program" means an intercollegiate athletic program at a
9 postsecondary education institution.

10 (2) "Intercollegiate athlete" means a student enrolled in a postsecondary
11 education institution who participates in an athletic program.

12 (3) "Postsecondary education institution" means a Louisiana public
13 postsecondary education institution or nonpublic postsecondary institution that
14 receives or disburses any form of state student financial assistance, including
15 scholarships and grants.

16 §3703. Intercollegiate athlete's compensation and rights; responsibilities of
17 postsecondary education institutions

18 A.(1) An intercollegiate athlete at a postsecondary education institution
19 may earn compensation for the use of the athlete's name, image, or likeness.
20 Compensation must be commensurate with the market value of the authorized
21 use of the athlete's name, image, or likeness.

22 (2) To preserve the integrity, quality, character, and amateur nature of
23 intercollegiate athletics and to maintain a clear separation between amateur
24 intercollegiate athletics and professional sports, compensation shall not be
25 provided in exchange for athletic performance or attendance at a particular
26 postsecondary institution and shall only be provided by a third party
27 unaffiliated with the postsecondary education institution in which the
28 intercollegiate athlete is enrolled.

29 B. A postsecondary education institution shall not adopt or maintain a

1 contract, rule, regulation, standard, or other requirement that prevents or
2 unduly restricts an intercollegiate athlete from earning compensation for the
3 use of the athlete's name, image, or likeness. Earning compensation shall not
4 affect the intercollegiate athlete's grant-in-aid or athletic eligibility.

5 C. A postsecondary education institution, an entity whose purpose
6 includes supporting or benefitting a postsecondary education institution or its
7 athletic programs, or an officer, director, or employee of a postsecondary
8 education institution or entity shall not compensate or cause compensation to
9 be directed to a current or prospective intercollegiate athlete for the athlete's
10 name, image, or likeness.

11 D.(1) A postsecondary education institution shall not prevent or unduly
12 restrict an intercollegiate athlete from obtaining professional representation by
13 an athlete agent or an attorney engaged for the purpose of securing
14 compensation for the use of the athlete's name, image, or likeness.

15 (2)(a) Professional representation obtained by an intercollegiate athlete
16 must be from persons registered with or licensed for such activity by the state.

17 (b)(i) Representation provided by an athlete agent shall be by persons
18 registered with the state in accordance with, and in compliance with, the
19 provisions of Chapter 7 of Title 4 of the Louisiana Revised Statutes of 1950.

20 (ii) An athlete agent representing an intercollegiate athlete shall comply
21 with the federal Sports Agent Responsibility and Trust Act, 15 U.S.C.
22 7801-7807, in his relationship with the intercollegiate athlete.

23 (c) An attorney representing an intercollegiate athlete shall be duly
24 licensed to practice law in this state.

25 E. A grant-in-aid, including cost of attendance, awarded to an
26 intercollegiate athlete by a postsecondary education institution is not
27 compensation for the purposes of this Chapter and shall not be revoked or
28 reduced as a result of an intercollegiate athlete earning compensation or
29 obtaining professional or legal representation pursuant to this Chapter.

1 **F. A contract for compensation for the use of the name, image, or**
2 **likeness of an intercollegiate athlete under eighteen years of age shall be**
3 **executed on the athlete's behalf by the athlete's parent or legal guardian.**

4 **G. An intercollegiate athlete's contract for compensation for the use of**
5 **the athlete's name, image, or likeness shall not violate the provisions of this**
6 **Chapter.**

7 **H.(1) An intercollegiate athlete shall not enter into a contract for**
8 **compensation for the use of the athlete's name, image, or likeness if a term of**
9 **the contract conflicts with a term of the intercollegiate athlete's athletic**
10 **program's team contract.**

11 **(2) A postsecondary education institution asserting a conflict under this**
12 **Subsection shall disclose each relevant contract term that conflicts with the**
13 **team contract to the intercollegiate athlete or the athlete's representative.**

14 **I. An intercollegiate athlete who enters into a contract for compensation**
15 **for the use of the athlete's name, image, or likeness shall disclose the contract**
16 **to the postsecondary education institution in which the athlete is enrolled, in the**
17 **manner designated by the institution.**

18 **J. The duration of a contract for representation of an intercollegiate**
19 **athlete or compensation for the use of an intercollegiate athlete's name, image,**
20 **or likeness shall not extend beyond his participation in an athletic program at**
21 **a postsecondary education institution.**

22 **K.(1) A postsecondary education institution shall conduct a financial**
23 **literacy and life skills workshop for a minimum of five hours at the beginning**
24 **of an intercollegiate athlete's first and third academic years.**

25 **(2)(a)The workshop shall, at a minimum, include information concerning**
26 **financial aid, debt management, and a recommended budget for full and partial**
27 **grant-in-aid intercollegiate athletes based on the cost of attendance for the**
28 **current academic year. The workshop shall also include information on time**
29 **management skills necessary for success as an intercollegiate athlete and**

1 **available academic resources.**

2 **(b) The workshop shall not include any marketing, advertising, referral,**
3 **or solicitation by providers of financial products or services.**

4 **L. Each postsecondary education management board shall adopt policies**
5 **to implement the provisions of this Chapter.**

6 Section 2. This Act shall become effective on July 1, 2021; if vetoed by the governor
7 and subsequently approved by the legislature, this Act shall become effective on August 1,
8 2020, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

SB 60 Original

2021 Regular Session

Connick

Proposed law provides with respect to compensation for the name, image, or likeness of intercollegiate athletes as follows:

- (1) An intercollegiate athlete enrolled in a public postsecondary education institution or a nonpublic postsecondary institution that receives or disburses any form of state student financial assistance may earn compensation for the use of the athlete's name, image, or likeness.
- (2) Compensation earned by an intercollegiate athlete must be commensurate with the market value of the authorized use of the athlete's name, image, or likeness.
- (3) Compensation may not be provided in exchange for athletic performance or attendance at a postsecondary education institution and shall only be provided by a third party unaffiliated with the postsecondary institution in which the athlete is enrolled.
- (4) Prohibits a postsecondary education institution from adopting or maintaining a contract, rule, regulation, standard, or other requirement that prevents or unduly restricts an intercollegiate athlete from earning compensation for the use of the athlete's name, image, or likeness.
- (5) Earning compensation shall not affect the intercollegiate athlete's grant-in-aid or athletic eligibility.
- (6) Prohibits a postsecondary education institution, and any entity that supports a postsecondary institution or its athletic programs, or an officer, director, or employee of a postsecondary education institution or entity from providing compensation or directing compensation to a current or prospective intercollegiate athlete.
- (7) A postsecondary education institution shall not prevent or unduly restrict an intercollegiate athlete from obtaining professional representation.
- (8) Professional representation obtained by an intercollegiate athlete must be from a person registered with or licensed by the state in accordance with applicable law. An athlete agent representing an intercollegiate athlete must be registered with the state

- and comply with applicable state and federal law. An attorney representing an intercollegiate athlete must be licensed to practice law in Louisiana.
- (9) A grant-in-aid, including cost of attendance, awarded to an intercollegiate athlete by a postsecondary education institution is not compensation and shall not be revoked or reduced as a result of an intercollegiate athlete earning compensation or obtaining professional or legal representation.
 - (10) A contract for compensation for the use of the name, image, or likeness of an intercollegiate athlete under 18 years of age shall be executed on the athlete's behalf by his parent or legal guardian.
 - (11) Prohibits an intercollegiate athlete from entering into a contract for compensation for the use of the athlete's name, image, or likeness that conflicts with a term of the athlete's athletic program's team contract.
 - (12) An intercollegiate athlete must disclose any contract entered into for compensation for the athlete's name, image, or likeness to the postsecondary education institution in which the athlete is enrolled.
 - (13) The duration of a contract for representation of an intercollegiate athlete or compensation for the use of an athlete's name, image, or likeness shall not extend beyond the athlete's participation in an athletic program at a postsecondary institution.
 - (14) Requires postsecondary education institutions to conduct a financial literacy and life skills workshop at the beginning of an intercollegiate athlete's first and third academic years. The workshops must include information on time management skills and academic resources and shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

Effective July 1, 2021.

(Adds R.S. 17:3701-3703)