

1 SENATE BILL 219

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Mark Moores and Antonio Maestas and Brian G. Baca

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10 AN ACT

11 RELATING TO ATHLETICS; REMOVING THE PROHIBITION ON POST-  
12 SECONDARY EDUCATIONAL INSTITUTIONS ARRANGING COMPENSATION FOR  
13 THE USE OF A STUDENT ATHLETE'S NAME, IMAGE, LIKENESS OR  
14 ATHLETIC REPUTATION; ALLOWING ENTITIES AND INDIVIDUALS WHO  
15 REPRESENTED A POST-SECONDARY EDUCATIONAL INSTITUTION IN THE  
16 PAST FOUR YEARS TO REPRESENT A STUDENT ATHLETE WHO IS ATTENDING  
17 THAT POST-SECONDARY EDUCATIONAL INSTITUTION.

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19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. Section 21-31-3 NMSA 1978 (being Laws 2021,  
21 Chapter 124, Section 3) is amended to read:

22 "21-31-3. STUDENT ATHLETE COMPENSATION.--

23 A. A post-secondary educational institution shall  
24 not:

25 (1) uphold any rule, requirement, standard or

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1 other limitation that prevents a student athlete of that  
2 institution from fully participating in athletics without  
3 penalty:

4 (a) for receiving food, shelter, medical  
5 expenses or insurance from a third party; or

6 (b) for earning compensation from a  
7 third party as a result of the use of the student athlete's  
8 name, image, likeness or athletic reputation;

9 (2) prohibit or discourage a student athlete  
10 from wearing footwear of the student athlete's choice during  
11 official, mandatory team activities so long as the footwear  
12 does not have reflective fabric or lights or pose a health risk  
13 to a student athlete; or

14 (3) prevent a student athlete from receiving  
15 third-party compensation for using the student athlete's name,  
16 image, likeness or athletic reputation when the student athlete  
17 is not engaged in official, mandatory team activities [~~or~~

18 ~~(4) arrange third-party compensation for the~~  
19 ~~use of a student athlete's name, image, likeness or athletic~~  
20 ~~reputation or use such deals as inducements to recruit~~  
21 ~~prospective student athletes].~~

22 B. Earning compensation from the use of a student  
23 athlete's name, image, likeness or athletic reputation shall  
24 not affect a student athlete's grant-in-aid or stipend  
25 eligibility, amount, duration or renewal. For the purposes of

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1 this section, a grant-in-aid or stipend shall not be revoked or  
2 reduced as a result of a student athlete earning compensation  
3 pursuant to this section.

4 C. A third party shall not offer a student athlete  
5 a contract to provide compensation to the student athlete for  
6 use of the student athlete's name, image, likeness or athletic  
7 reputation that requires a student athlete to advertise for the  
8 sponsor in person during official, mandatory team activities  
9 without the approval of the student athlete's post-secondary  
10 educational institution."

11 SECTION 2. Section 21-31-4 NMSA 1978 (being Laws 2021,  
12 Chapter 124, Section 4) is amended to read:

13 "21-31-4. PROFESSIONAL REPRESENTATION.--A post-secondary  
14 educational institution shall not interfere with or prevent a  
15 student athlete from fully participating in athletics for  
16 obtaining representation [~~unaffiliated with a post-secondary~~  
17 ~~educational institution or its partners~~] in relation to  
18 contracts or legal matters. [~~An entity or individual that~~  
19 ~~represents a post-secondary educational institution or has~~  
20 ~~represented that post-secondary educational institution in the~~  
21 ~~previous four years shall not represent a student athlete who~~  
22 ~~is attending that post-secondary educational institution in any~~  
23 ~~business agreement.~~]"