

As Passed by the House

134th General Assembly

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Am. Sub. S. B. No. 187

Senator Antani

Cosponsors: Senators Antonio, Brenner, Cirino, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Manning, McColley, O'Brien, Peterson, Schuring, Yuko Representatives John, Callender, Stewart, Abrams, Baldrige, Bird, Carruthers, Click, Cross, Cutrona, Dean, Edwards, Ferguson, Fowler Arthur, Ghanbari, Gross, Hall, Johnson, Jones, Jordan, Loychik, McClain, Merrin, Powell, Richardson, Riedel, Schmidt, Stein, Swearingen, Wiggam, Wilkin, Young, B., Zeltwanger

A BILL

To enact sections 3313.5317, 3345.561, 3376.01, 1
3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 2
3376.07, and 3376.08 of the Revised Code to 3
allow intercollegiate athletes to earn 4
compensation from their name, image, or 5
likeness, to enact the Save Women's Sports Act 6
to require schools, state institutions of higher 7
education, and private colleges to designate 8
separate single-sex teams and sports for each 9
sex. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3313.5317, 3345.561, 3376.01, 11
3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, and 12
3376.08 of the Revised Code be enacted to read as follows: 13

Sec. 3313.5317. (A) Each school that participates in 14
athletic competitions or events administered by an organization 15

that regulates interscholastic athletic conferences or events 16
shall designate interscholastic athletic teams based on the sex 17
of the participants as follows: 18

(1) Separate teams for participants of the female sex 19
within female sports divisions; 20

(2) Separate teams for participants of the male sex within 21
male sports divisions; 22

(3) If applicable, co-ed teams for participants of the 23
female and male sexes within co-ed sports divisions. 24

(B) No school, interscholastic conference, or organization 25
that regulates interscholastic athletics shall knowingly permit 26
individuals of the male sex to participate on athletic teams or 27
in athletic competitions designated only for participants of the 28
female sex. 29

(C) Nothing in this section shall be construed to restrict 30
the eligibility of any student to participate on any athletic 31
teams or in athletic competitions that are designated as male or 32
co-ed. 33

(D) No agency or political subdivision of the state and no 34
accrediting organization or athletic association that operates 35
or has business activities in this state shall process a 36
complaint, begin an investigation, or take any other adverse 37
action against a school or school district for maintaining 38
separate single-sex interscholastic athletic teams or sports. 39

(E) (1) Any participant who is deprived of an athletic 40
opportunity or suffers a direct or indirect harm as a result of 41
a violation of this section has a private cause of action for 42
injunctive relief, damages, and any other relief available 43
against the school, school district, interscholastic conference, 44

or organization that regulates interscholastic athletics. 45

(2) Any participant who is subject to retaliation or other 46
adverse action by a school, school district, interscholastic 47
conference, or organization that regulates interscholastic 48
athletics as a result of reporting a violation of this section 49
has a private cause of action for injunctive relief, damages, 50
and any other relief available against the entity that takes the 51
retaliatory or other adverse action. 52

(3) Any school or school district that suffers any direct 53
or indirect harm as a result of a violation of division (D) of 54
this section has a private cause of action for injunctive 55
relief, damages, and any other relief available against the 56
agency, political subdivision, accrediting organization, or 57
athletic association that violates that division. 58

(F) Any civil action brought as a result of a violation of 59
this section shall be initiated within two years after the date 60
on which the violation occurs. Persons or organizations who 61
prevail on a claim brought pursuant to this section shall be 62
entitled to monetary damages, including for any psychological, 63
emotional, or physical harm suffered, reasonable attorney's fees 64
and costs, and any other appropriate relief. 65

Sec. 3345.561. (A) As used in this section: 66

(1) "Private college" means a nonprofit institution that 67
holds a certificate of authorization issued under section 68
1713.02 of the Revised Code; 69

(2) "State institution of higher education" has the same 70
meaning as in section 3345.011 of the Revised Code. 71

(B) Each state institution of higher education or private 72
college that is a member of the national collegiate athletics 73

association, the national association of intercollegiate 74
athletics, or the national junior college athletic association 75
shall designate intercollegiate athletic teams and sports based 76
on the sex of the participants as follows: 77

(1) Separate teams for participants of the female sex 78
within female sports divisions; 79

(2) Separate teams for participants of the male sex within 80
male sports divisions; 81

(3) If applicable, co-ed teams for participants of the 82
female and male sexes within co-ed sports divisions. 83

(C) No state institution or private college to which 84
division (B) of this section applies shall knowingly allow 85
individuals of the male sex to participate on athletic teams or 86
in athletic competitions designated for only participants of the 87
female sex. 88

(D) Nothing in this section shall be construed to restrict 89
the eligibility of any student to participate on any athletic 90
teams or in athletic competitions that are designated as male or 91
co-ed. 92

(E) No agency or political subdivision of the state and no 93
accrediting organization or athletic association that operates 94
or has business activities in this state shall process a 95
complaint, begin an investigation, or take any other adverse 96
action against a state institution of higher education or 97
private college for maintaining separate single-sex 98
intercollegiate athletic teams or sports for participants of the 99
female sex. 100

(F) (1) Any participant who is deprived of an athletic 101
opportunity or suffers a direct or indirect harm as a result of 102

a violation of this section has a private cause of action for 103
injunctive relief, damages, and any other relief available 104
against the state institution or the private college. 105

(2) Any participant who is subject to retaliation or other 106
adverse action by a state institution, private college, or 107
athletic association as a result of reporting a violation of 108
this section has a private cause of action for injunctive 109
relief, damages, and any other relief available against the 110
entity that takes the retaliatory or other adverse action. 111

(3) Any state institution or private college that suffers 112
any direct or indirect harm as a result of a violation of 113
division (E) of this section has a private cause of action for 114
injunctive relief, damages, and any other relief available 115
against the agency, political subdivision, accrediting 116
organization, or athletic association that violates that 117
division. 118

(G) Any civil action brought as a result of a violation of 119
this section shall be initiated within two years after the date 120
on which the violation occurs. Persons or organizations who 121
prevail on a claim brought pursuant to this section shall be 122
entitled to monetary damages, including for any psychological, 123
emotional, or physical harm suffered, reasonable attorney's fees 124
and costs, and any other appropriate relief. 125

Sec. 3376.01. As used in this chapter: 126

(A) "State institution of higher education" has the same 127
meaning as in section 3345.011 of the Revised Code. 128

(B) "Private college" has the same meaning as in section 129
3365.01 of the Revised Code. 130

Sec. 3376.02. No state institution of higher education or 131

private college shall uphold any rule, requirement, standard, or 132
other limitation that prevents a student of that institution or 133
college from fully participating in intercollegiate athletics 134
because the student earns compensation as a result of the use of 135
the student's name, image, or likeness. Earning compensation 136
from the use of a student's name, image, or likeness shall not 137
affect the student's scholarship eligibility or renewal. 138

Sec. 3376.03. An athletic association, conference, or 139
other group or organization with authority over intercollegiate 140
athletics, including the national collegiate athletic 141
association or its successor organization, shall not do either 142
of the following: 143

(A) Prevent a student of a state institution of higher 144
education or private college from fully participating in 145
intercollegiate athletics because the student earns compensation 146
as a result of the use of the student's name, image, or 147
likeness; 148

(B) Prevent a state institution of higher education or 149
private college from fully participating in intercollegiate 150
athletics because a student of that institution or college 151
participating in intercollegiate athletics does either of the 152
following: 153

(1) Uses the student's name, image, or likeness; 154

(2) Obtains professional representation in relation to 155
contracts or legal matters regarding opportunities to earn 156
compensation for use of the student's name, image, or likeness. 157

Sec. 3376.04. No state institution of higher education, 158
private college, athletic association, conference, or other 159
group or organization with authority over intercollegiate 160

athletics shall do any of the following: 161

(A) Provide a prospective student who intends to 162
participate in intercollegiate athletics with compensation in 163
relation to the prospective student's name, image, or likeness; 164

(B) Prevent a student who resides in this state and 165
participates in intercollegiate athletics from obtaining 166
professional representation in relation to contracts or legal 167
matters regarding opportunities to be compensated for use of the 168
student's name, image, or likeness; 169

(C) Interfere with or prevent a student from fully 170
participating in intercollegiate athletics because the student 171
obtains professional representation in relation to contracts or 172
legal matters regarding opportunities to earn compensation for 173
use of the student's name, image, or likeness. 174

Sec. 3376.05. A scholarship from a state institution of 175
higher education or private college at which a student is 176
enrolled is not compensation for use of the student's name, 177
image, or likeness for purposes of this chapter. No state 178
institution of higher education or private college shall revoke 179
or reduce a scholarship as a result of a student earning 180
compensation for use of the student's name, image, or likeness 181
if the student earns that compensation in accordance with this 182
chapter. 183

Sec. 3376.06. (A) As used in this section: 184

(1) "Official team activities" means all games, practices, 185
exhibitions, scrimmages, team appearances, team photograph 186
sessions, sports camps sponsored by the institution or college, 187
and other team-organized activities, regardless of whether the 188
activity takes place on or off campus, including individual 189

photograph sessions and news media interviews. 190

(2) "Student" means an individual enrolled at a state 191
institution of higher education or private college who 192
participates in intercollegiate athletics. 193

(B) A state institution of higher education's or private 194
college's contract with a student shall not prevent the student 195
from using the student's name, image, or likeness for a 196
commercial purpose when the student is not engaged in official 197
team activities. 198

(C) A student shall not enter into a contract providing 199
compensation to the student for use of the student's name, 200
image, or likeness that requires the student to display a 201
sponsor's product, or otherwise advertise for a sponsor, during 202
official team activities or any other time if that requirement 203
is in conflict with a provision of a contract to which a state 204
institution of higher education or private college is a party. 205

(D) (1) A student who intends to enter into a verbal or 206
written contract providing compensation to the student for use 207
of the student's name, image, or likeness shall disclose the 208
proposed contract to an official of the state institution of 209
higher education or private college for review by the 210
institution or college. The institution or college shall 211
designate an official to whom the student is to disclose the 212
proposed contract. 213

(2) If a state institution of higher education or private 214
college identifies a conflict between the proposed verbal or 215
written contract described in division (D) (1) of this section 216
and any existing provisions of a contract to which the 217
institution or college is a party, the institution or college 218

shall communicate to the student the relevant contract provision 219
that is in conflict. The student shall not enter into the 220
proposed contract, but the student may negotiate a revision to 221
the proposed contract to avoid the conflict. The revised 222
proposed contract is subject to review by the institution or 223
college to ensure compliance with this chapter. 224

(E) A state institution of higher education or private 225
college may establish reasonable policies or standards to 226
address a student's failure to provide the disclosure required 227
under division (D) (1) of this section or any other failure to 228
comply with the requirements of this chapter. 229

Sec. 3376.07. A state institution of higher education, 230
private college, athletic association, conference, or other 231
group or organization with authority over intercollegiate 232
athletics may prohibit a student who participates in 233
intercollegiate athletics from entering into a contract 234
providing compensation to the student for use of the student's 235
name, image, or likeness if under the contract the student's 236
name, image, or likeness is associated with any of the 237
following: 238

(A) Any company that manufactures, markets, or sells, or 239
brand that is associated with, a controlled substance, marihuana 240
product, medical marijuana product, alcoholic product, tobacco 241
product, electronic smoking device, vapor product, or product or 242
device that consists of or contains nicotine that can be 243
ingested into the body; 244

(B) Any medical marijuana cultivator, processor, 245
laboratory, or retail dispensary licensed under Chapter 3796. of 246
the Revised Code or under the laws of another state; 247

(C) Any business engaged in the sale, rental, or 248
exhibition for any form of consideration of adult entertainment 249
that is characterized by an emphasis on the exposure or display 250
of sexual activity; 251

(D) Any casino or entity that sponsors or promotes 252
gambling activities; 253

(E) Any other category of companies, brands, or types of 254
contracts that are similar to those described in divisions (A) 255
to (D) of this section that the institution or college 256
communicates to the student before the student enrolls at the 257
institution or college. 258

Sec. 3376.08. Nothing in this chapter does any of the 259
following: 260

(A) Requires a state institution of higher education, 261
private college, athletic association, conference, or other 262
group or organization with authority over intercollegiate 263
athletics to identify, create, facilitate, negotiate, or 264
otherwise enable opportunities for a student to earn 265
compensation for use of the student's name, image, or likeness; 266

(B) Establishes or grants to a student any right to use 267
the name, trademarks, services marks, logos, symbols, or any 268
other intellectual property, regardless of whether the 269
intellectual property is registered with the appropriate 270
authority, that belong to a state institution of higher 271
education, private college, athletic association, conference, or 272
other group or organization with authority over intercollegiate 273
athletics, to further the student's opportunities to earn 274
compensation for use of the student's name, image, or likeness; 275

(C) Limits the rights of a state institution of higher 276

<u>education or private college to establish and enforce any of the</u>	277
<u>following:</u>	278
<u>(1) Academic standards, requirements, regulations, or</u>	279
<u>obligations for its students;</u>	280
<u>(2) Team rules of conduct or other rules of conduct;</u>	281
<u>(3) Standards or policies regarding the governance or</u>	282
<u>operation of or participation in intercollegiate varsity</u>	283
<u>athletics;</u>	284
<u>(4) Disciplinary rules and standards generally applicable</u>	285
<u>to all students of the institution or college.</u>	286
Section 2. Section 1 of this act takes effect July 1,	287
2021.	288
Section 3. Sections 3313.5317 and 3345.561 of the Revised	289
Code, as enacted by this act, shall be known as the Save Women's	290
Sports Act.	291