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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO EDUCATION -- COMPENSATION FOR STUDENTS PARTICIPATING IN
INTERCOLLEGIATE ATHLETICS

Introduced By: Representatives Solomon, Finkelman, Voas, McNamara, and Casey

Date Introduced: February 15, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 114

4 COMPENSATION FOR STUDENTS PARTICIPATING IN INTERCOLLEGIATE

5 ATHLETICS

6 **16-114-1. Definitions.**

7 When used in this chapter, the following terms shall have the following meanings:

8 (1) "Institutional marketing associate" means any third-party entity that enters into an
9 agreement with a postsecondary educational institution or its intercollegiate athletics or sports
10 program to market and/or promote the postsecondary educational institution or its intercollegiate
11 athletics or sports program, or to otherwise act on behalf of the postsecondary educational
12 institution or the postsecondary educational institution's intercollegiate athletics or sports program.
13 This term does not include a regulatory body, postsecondary educational institution, postsecondary
14 educational institution staff member, or their respective officers, directors, managers, owners, or
15 employees;

16 (2) "Postsecondary educational institution" means any campus of a public or private
17 institution of higher education in this state;

18 (3) "Student athlete" means an individual who is eligible to participate in, participates in,

1 or has participated in an intercollegiate sport for a postsecondary educational institution. Student
2 athlete shall not be construed to apply to an individual's participation in a college intramural sport
3 or in a professional sport outside of intercollegiate athletics;

4 (4) "Third party" means any individual or entity, including any athlete agent, other than a
5 postsecondary educational institution, athletic conference, or athletic association.

6 **16-114-2. Compensation for student athletes participating in intercollegiate sports.**

7 (a) No postsecondary educational institution in this state shall uphold any rule,
8 requirement, standard, or other limitation of an athletic association or athletic conference that
9 prevents a student of that institution from fully participating in intercollegiate athletics without
10 penalty and earning compensation as a result of the use of the student's name, image, likeness rights,
11 or athletic reputation. A student athlete earning compensation from the use of a student's name,
12 image, likeness rights, or athletic reputation shall not affect such student athlete's grant-in-aid or
13 stipend eligibility, amount, duration, or renewal.

14 (b) No postsecondary educational institution shall interfere with or prevent a student from
15 fully participating in intercollegiate athletics or obtaining professional representation in relation to
16 contracts or legal matters relating to earning compensation as a result of the use of the student
17 athlete's name, image, likeness rights, or athletic reputation, including, but not limited to,
18 representation provided by athlete agents, financial advisors, or legal representation provided by
19 attorneys.

20 (c) No athletic association, conference or other group or organization with authority over
21 intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association
22 (NCAA), shall prevent a student athlete in this state from earning compensation as a result of the
23 use of the student's name, image, likeness rights or athletic reputation.

24 (d) No athletic association, conference, or other group or organization with authority over
25 intercollegiate athletics, including, but not limited to, the NCAA, shall prevent a postsecondary
26 educational institution in this state from participating in intercollegiate athletics as a result of any
27 compensation paid to a student athlete in this state for the use of the student's name, image or
28 likeness rights or athletic reputation.

29 (e) A grant-in-aid, a scholarship or stipend from the postsecondary educational institution
30 in which a student is enrolled shall not be construed to be compensation for use of the student's
31 name, image, likeness rights, or athletic reputation for purposes of this chapter, and no grant-in-
32 aid, scholarship or stipend shall be revoked or reduced as a result of a student earning compensation
33 under this section.

34 **16-114-2. Limitations on student athletes' rights to compensation.**

1 (a) No student athlete shall enter into an apparel, equipment, or beverage contract providing
2 compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic
3 reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage
4 or otherwise advertise for the sponsor during official team activities if such provisions are in
5 conflict with a provision of the postsecondary educational institution's current licenses or contracts
6 or in conflict with any provision of the student athlete's team contract.

7 (b) Except with the prior written consent of the student athlete's postsecondary educational
8 institution, a student athlete shall not enter into a contract for compensation for the use of such
9 student athlete's name, image, likeness rights, or athletic reputation, if such institution determines
10 that a term of the contract conflicts with the student athlete's team contract or with a term of a
11 contract to which such institution is a party at the time that the offer of compensation is made to
12 the student athlete.

13 (c) Before any contract for compensation for the use of a student athlete's name, image,
14 likeness rights, or athletic reputation, or for professional representation, is executed, and before any
15 compensation is provided to the student athlete in advance of a contract, the student athlete shall
16 disclose that contract to the postsecondary educational institution in a manner prescribed by such
17 institution.

18 **16-114-3. Institution's rights and powers and limitations.**

19 (a) A postsecondary educational institution or any officer, director, or employee of such
20 institution, including, but not limited to, a coach, member of the coaching staff, or any individual
21 associated with the institution's athletic department, shall have the right to identify, create, facilitate,
22 negotiate, support, enable, or otherwise assist with opportunities for a student athlete to earn
23 compensation from a third party, including an institutional marketing associate, for the use of the
24 student athlete's name, image, likeness rights, or athletic reputation; provided that, such individual
25 shall not:

26 (1) Receive compensation from the student athlete or a third party for facilitating, enabling,
27 or assisting with such opportunities;

28 (2) Attempt to influence an athlete's choice of professional representation related to such
29 opportunities; or

30 (3) Attempt to reduce such athlete's opportunities from competing third parties.

31 (b) The provisions of this section shall not be construed to qualify a student athlete as an
32 employee of a postsecondary educational institution.

33 (c) A postsecondary educational institution or any officer, director, or employee of such
34 institution shall not compensate a student athlete, prospective student athlete, or the family of such

1 individuals, for the use of such student athlete or prospective student athlete's name, image, likeness
2 rights, or athletic reputation, unless otherwise permitted by institutional policy and a collegiate
3 athletics association of which the postsecondary educational institution is a member.

4 (d) Notwithstanding any other provision of this chapter, no contract of a postsecondary
5 educational institution's athletic program shall prevent a student athlete from receiving
6 compensation for using the student athlete's name, image, likeness rights, or athletic reputation for
7 a commercial purpose when the athlete is not engaged in official mandatory team activities that are
8 recorded in writing and can be made publicly available upon request.

9 **16-114-4. Use of unique identifiers.**

10 (a) As used in this section, "unique identifier" means any of the following developed or
11 adopted for marketing or promotional purposes by a postsecondary educational institution or a third
12 party:

13 (1) Seal;

14 (2) Logo;

15 (3) Emblem;

16 (4) Motto;

17 (5) Special symbol;

18 (6) Institutional colors;

19 (7) Modifier or descriptor;

20 (8) Design;

21 (9) Patentable or copyrightable item, material, or information; or

22 (10) Other item, material, or information that identifies and is recognizable as unique to
23 such postsecondary educational institution or third party.

24 (b) A postsecondary educational institution or a third party shall develop and adopt a
25 process for granting to a student athlete, or to a third party for use with a student athlete, a license
26 to use such institution's or third-party's unique identifiers when earning or attempting to earn
27 compensation from the use of such student athlete's name, image, likeness rights, or athletic
28 reputation consistent with its policies regarding licensing of its unique identifiers.

29 (c) A postsecondary educational institution or a third party may charge a reasonable fee for
30 a license to use a unique identifier under this section.

31 (d) A postsecondary educational institution, or a third party, may impose requirements that
32 a student athlete granted a license under this section refrain from using such unique identifier in a
33 manner that the institution in its sole discretion determines:

34 (1) Is reasonably considered to be inconsistent with such institution's or third party's values

1 or mission;

2 (2) Adversely affects such institution's or third party's image;

3 (3) Negatively impacts or inappropriately reflects upon the reputation or religious, moral,

4 or ethical standards of such institution or third party;

5 (4) Violates such institution's or third party's code of conduct or similar requirements; or

6 (5) Conflicts with a provision of such institution's or third party's current licenses or

7 contracts in effect at the time of the offer of compensation to the student athlete.

8 **16-114-5. Student athlete privacy protected.**

9 (a) If a private postsecondary educational institution collects, retains, or maintains the
10 terms of a student athlete's contract or proposed contract detailing compensation to such student
11 athlete for the use of such student athlete's name, image, likeness, or athletic reputation, such
12 postsecondary educational institution shall consider such contract terms to be student-governed by
13 the Family Education Rights and Privacy Act (FERPA).

14 (b) The terms of a contract or proposed contract detailing compensation to a student athlete
15 for the use of such student athlete's name, image, likeness, or athletic reputation shall not be deemed
16 a public record as defined in chapter 2 of title 38. A public postsecondary educational institution
17 subject to this subsection may withhold or refuse to release or otherwise disclose such contract
18 terms without seeking a formal opinion of the department of attorney general of this state as
19 authorized in chapter 2 of title 38 and no denial to a public records request by any individual or
20 entity pursuant to chapter 2 of title 38 shall be appealable to the department of attorney general.

21 **16-114-6. Payments conditioned on performance prohibited.**

22 (a) No compensation to a student athlete for earning or attempting to earn compensation
23 from the use of such student athlete's name, image, likeness rights, or athletic reputation shall be
24 conditioned on such student athlete's athletic performance. However, those providing compensation
25 to a student athlete for the use of the student's name, image, likeness rights, or athletic reputation
26 shall have the right to condition payment of that compensation on a student athlete's attendance at
27 a particular postsecondary educational institution.

28 **16-114-7. Compensation by third party.**

29 (a) A charitable organization that qualifies as an exempt organization under 26 U.S.C.
30 Section 501(c)(3), as amended, shall have the right to compensate a student athlete for the
31 commercial use of the student athlete's name, image, likeness rights, or athletic reputation.

32 (b) Notwithstanding any rule of an athletic association, athletic conference, or any other
33 organization with authority over varsity intercollegiate athletics, institutional marketing associates
34 shall have the right to compensate a student athlete for the commercial use of the student athlete's

1 name, image, likeness rights, or athletic reputation. This right includes the right to compensate a
2 student athlete for the commercial use of the student athlete's name, image, or likeness rights in
3 connection with the promotion of athletic events in which the student athlete will or may
4 participate, the promotion of the postsecondary educational institution the student athlete attends,
5 and the promotion of the postsecondary educational institution's intercollegiate athletics or sports
6 program. Further, an institutional marketing associate shall, in the event that a postsecondary
7 educational institution or its intercollegiate athletics program affirmatively grants a request, have
8 the right to utilize a postsecondary educational institution or the postsecondary educational
9 institution's intercollegiate athletics program's content creation and marketing capabilities in
10 connection with services provided for the promotion of athletic events in which a student athlete
11 will or may participate, the postsecondary educational institution, or the institution's intercollegiate
12 athletics or sports program.

13 (c) Notwithstanding any rule of an athletic association, athletic conference, or any other
14 organization with authority over varsity intercollegiate athletics, student athletes shall have the right
15 to receive compensation from an institutional marketing associate for the commercial use of their
16 name, image, likeness rights, or athletic reputation, in connection with, among other items, the
17 promotion of athletic events in which the student athlete will or may participate, the promotion of
18 the postsecondary educational institution the student athlete attends, and the promotion of the
19 postsecondary educational institution's intercollegiate athletics or sports program.

20 **16-114-8. Student athlete workshops required.**

21 (a) Postsecondary educational institutions that enter into commercial agreements that
22 directly or indirectly require the use of a student athlete's name, image, likeness, or athletic
23 reputation shall offer at least two (2) workshops per calendar year that may include topics such as
24 financial literacy, life skills, time management, and entrepreneurship. The workshops may not be
25 offered in the same month and each workshop offered in a calendar year shall be unique and not
26 simply a repeat of the other workshop offered that year. The institution shall notify all student
27 athletes of the sessions through the distribution of informational materials via email or other
28 communication methods the institution regularly uses to communicate with student athletes.

29 (b) The educational workshops shall not include any marketing, advertising, referral, or
30 solicitation by providers of financial products or services.

31 **16-114-9. Limitations on athletic associations and conferences.**

32 An athletic association, athletic conference, or any other organization with authority over
33 varsity intercollegiate athletics shall not, and shall not authorize its member institutions to:

34 (1) Prevent a student athlete from receiving compensation for the commercial use of the

1 student athlete's name, image, likeness rights, or athletic reputation under this chapter:

2 (2) Penalize a student athlete for receiving compensation for the commercial use of the
3 student athlete's name, image, likeness rights, or athletic reputation under this chapter:

4 (3) Prevent a postsecondary educational institution from participating in varsity
5 intercollegiate athletics or otherwise penalize a postsecondary educational institution as a result of
6 a student athlete's receipt of compensation for the student athlete's name, image, likeness rights, or
7 athletic reputation under this chapter:

8 (4) Prevent a postsecondary educational institution from establishing agreements with a
9 third party entity to act on its behalf to identify, facilitate, enable, or support student athlete name,
10 image, and likeness activities:

11 (5) Entertain a complaint, open an investigation, or take any other adverse action against a
12 postsecondary educational institution or any of its employees for engaging in any activity protected
13 under this chapter; or

14 (6) Penalize a postsecondary educational institution because an institutional marketing
15 associate compensates a student athlete for use of the student athlete's name, image, likeness rights,
16 or athletic reputation, as protected under this chapter, or if a third party violates the collegiate
17 athletic association's rules or regulations with regard to student athlete name, image, or likeness
18 activities.

19 **16-114-10. Student athlete's right to representation.**

20 A student athlete shall have the right to obtain professional representation for the purpose
21 of securing compensation for the use of the student athlete's name, image, or likeness without
22 penalty or resulting limitation on participating or effect on the student athlete's athletic grant-in-aid
23 eligibility. Professional representation shall be from persons licensed in this state and shall be
24 registered under chapter 74.1 of title 5. Any attorney representing any student athlete for purpose
25 of earning compensation, as a result of the use of the student athlete's name, image or likeness
26 rights or athletic ability, shall be licensed to practice in this state. Any professional representation
27 agreement shall be in writing, be executed by both parties, clearly describe the obligations of the
28 parties, and outline fees for the professional representation.

29 **16-114-11. Student athlete's rights for violations of rights to compensation.**

30 (a) Any student athlete may bring a civil action against third parties that violate this chapter
31 or that interfere with such student athlete's earning or attempting to earn compensation from the
32 use of such student athlete's name, image, likeness rights, or athletic reputation for appropriate
33 injunctive relief or actual damages, or both. Such action shall be brought in the county where the
34 violation occurred, or is about to occur, and the court shall award damages and court costs to a

1 prevailing plaintiff.

2 (b) Student athletes bringing an action under this section shall not be deprived of any
3 protections provided under law with respect to a controversy that arises and shall have the right to
4 adjudicate claims that arise under this chapter.

5 (c) No legal settlement shall conflict with the provisions of this chapter.

6 (d) No postsecondary educational institution's employees, including athletics coaching
7 staff, shall be liable for any damages to a student athlete's ability to earn compensation for the use
8 of the student athlete's name, image, or likeness resulting from decisions or actions routinely
9 taken in the course of intercollegiate athletics, such as removal from the game or match or
10 suspension for unsportsmanlike conduct or other violation of any rule or regulation, including not
11 maintaining required grade point averages.

12 (e) This section does not affect the rights of student athletes under Title IX of the Education
13 Amendments of 1971 (20 U.S.C. Section 1681 et seq.).

14 **16-114-12. High School student athletes protected.**

15 (a) A high school athlete who competes on an interscholastic athletic team in this state that
16 is sponsored by a public school or by a private school whose students compete against a public
17 school's students may earn or attempt to earn compensation from the use of such athlete's name,
18 image, likeness rights, or athletic reputation as provided in this chapter, subject to the following:

19 (1) A high school athlete shall have the right to discuss earning or attempting to earn such
20 compensation before signing an athletic letter of intent or other written agreement only when
21 having discussions about potential enrollment with a postsecondary educational institution in this
22 state; and

23 (2) A high school athlete shall have the right to earn or attempt to earn such compensation
24 only after signing an athletic letter of intent or other written agreement to enroll in a postsecondary
25 educational institution in this state.

26 (b) The discussion of, or earning or attempting to earn, compensation from the use of such
27 high school athlete's name, image, likeness rights, or athletic reputation as provided in this section
28 shall not be construed to be a violation of any rules and regulations a high school student and high
29 schools are required to follow to maintain and protect a high school athlete's high school eligibility
30 to participate in high school athletics in this state.

31 **16-114-13. Non-retroactive application.**

32 This chapter shall apply only to agreements or contracts entered into, modified, or renewed
33 on or after the effective date of this chapter. Such agreements or contracts include, but are not
34 limited to, the national letter of intent, an athlete's financial aid agreement, commercial contracts

1 [in the athlete group licensing market, and athletic conference or athletic association rules or bylaws.](#)

2 **16-114-14. Implementation.**

3 [The council on postsecondary education, established by chapter 59 of title 16, shall](#)
4 [promulgate rules and regulations to implement and administer this chapter.](#)

5 SECTION 2. This act shall take effect on January 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- COMPENSATION FOR STUDENTS PARTICIPATING IN
INTERCOLLEGIATE ATHLETICS

1 This act would allow college athletes and college prospects, to enter into contracts to
2 personally profit and receive compensation for use of their name, image and likeness rights and
3 would prohibit colleges, athletic conferences and athletic associations from interfering with such
4 compensation rights.

5 This act would take effect on January 1, 2025.

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