

SENATE BILL NO. 60

BY SENATORS CONNICK, BOUDREAUX, BOUIE, CATHEY, CORTEZ, FIELDS, FOIL, HARRIS, LUNEAU, MCMATH, ROBERT MILLS, MIZELL, PETERSON, POPE, SMITH, TARVER, WARD AND WHITE AND REPRESENTATIVES BAGLEY, BOURRIAQUE, BRASS, BROWN, GARY CARTER, WILFORD CARTER, COUSSAN, COX, DUPLESSIS, EDMONDS, FREEMAN, FREIBERG, GAINES, GREEN, HORTON, HUGHES, JAMES, JEFFERSON, JENKINS, JONES, JORDAN, LACOMBE, LARVADAIN, LYONS, MARCELLE, MARINO, DUSTIN MILLER, MOORE, NEWELL, PHELPS, PIERRE, SCHEXNAYDER, SELDERS, STAGNI, STEFANSKI, WILLARD AND WRIGHT

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

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AN ACT

To enact Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3701 through 3703, relative to intercollegiate athletics; to provide relative to the compensation and rights of intercollegiate athletes; to provide with respect to professional representation of intercollegiate athletes; to provide for the responsibilities of postsecondary education institutions with respect to intercollegiate athletes' compensation; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3701 through 3703 is hereby enacted to read as follows:

**CHAPTER 30. INTERCOLLEGIATE ATHLETICS**

**§3701. Legislative intent**

**The legislature finds that intercollegiate athletics provide intercollegiate athletes with significant educational opportunities. However, participation in intercollegiate athletics should not infringe upon an intercollegiate athlete's ability to earn compensation for the athlete's name, image, or likeness. An intercollegiate athlete must have an equal opportunity to control and profit from the commercial use of the athlete's name, image, or likeness, and be**

1 protected from unauthorized appropriation and commercial exploitation of the  
2 athlete's right to publicity, including the athlete's name, image, or likeness.

3 §3702. Definitions

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

6 (1) "Athletic booster" means a person or entity that has participated in  
7 or has been a member of an organization promoting a postsecondary education  
8 institution's athletic program.

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

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

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

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

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

23 (2) To preserve the integrity, quality, character, and amateur nature of  
24 intercollegiate athletics and to maintain a clear separation between amateur  
25 intercollegiate athletics and professional sports, a postsecondary education  
26 institution, an entity whose purpose includes supporting or benefitting such  
27 institution or its intercollegiate athletic programs, or an officer, director,  
28 employee, or agent of such institution or entity shall not provide a current or  
29 prospective athlete with compensation for the use of the student athlete's name,  
30 image, or likeness.

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

6           C. A postsecondary education institution, or an officer or employee of a  
7           postsecondary education institution, shall not compensate or cause  
8           compensation to be directed to a current or prospective intercollegiate athlete  
9           for the athlete's name, image, or likeness.

10          D. A postsecondary education institution shall not use an athletic booster  
11          to, nor shall an athletic booster, directly or indirectly, create or facilitate  
12          compensation opportunities for the use of an intercollegiate athlete's name,  
13          image, or likeness as a recruiting inducement or as a means of paying for  
14          athletics participation.

15          E.(1) A postsecondary education institution may prohibit an  
16          intercollegiate athlete from using the athlete's name, image, or likeness for  
17          compensation if the proposed use of the athlete's name, image, or likeness  
18          conflicts with either of the following:

19               (a) Existing institutional sponsorship agreements or contracts.

20               (b) Institutional values as defined by the postsecondary education  
21               institution.

22          (2) An intercollegiate athlete shall not earn compensation for the use of  
23          the athlete's name, image, or likeness for the endorsement of tobacco, alcohol,  
24          illegal substances or activities, banned athletic substances, or any form of  
25          gambling including sports wagering.

26          (3) An intercollegiate athlete shall not use a postsecondary education  
27          institution's facilities, uniforms, registered trademarks, products protected by  
28          copyright, or official logos, marks, colors, or other indicia in connection with the  
29          use of the athlete's name, image, or likeness without the express permission of  
30          the postsecondary education institution. In granting this permission, a

1 postsecondary education institution may require the third-party entity engaging  
2 the athlete for a name, image, or likeness activity to follow the protocols  
3 established by the postsecondary education institution, including licensing  
4 protocols.

5 F.(1) A postsecondary education institution shall not prevent or unduly  
6 restrict an intercollegiate athlete from obtaining professional representation by  
7 an athlete agent or an attorney engaged for the purpose of securing  
8 compensation for the use of the athlete's name, image, or likeness.

9 (2) Professional representation obtained by an intercollegiate athlete  
10 shall be from persons registered with or licensed for such activity by the state  
11 as follows:

12 (a)(i) Representation provided by an athlete agent shall be by persons  
13 registered with the state in accordance with, and in compliance with, the  
14 provisions of Chapter 7 of Title 4 of the Louisiana Revised Statutes of 1950.  
15 However, the notification provisions of R.S. 4:424(D)(3) shall not apply to an  
16 athlete agent who contacts an intercollegiate athlete for the sole purpose of  
17 representing the athlete in matters pertaining to the use of the athlete's name,  
18 image, or likeness.

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

22 (b) An attorney representing an intercollegiate athlete shall be duly  
23 licensed to practice law.

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

29 H. A contract for compensation for the use of the name, image, or  
30 likeness of an intercollegiate athlete under eighteen years of age shall be

1 executed on the athlete's behalf by the athlete's parent or legal guardian.

2 I. An intercollegiate athlete's contract for compensation for the use of the  
3 athlete's name, image, or likeness shall not violate the provisions of this  
4 Chapter.

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

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

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

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

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

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

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

1                    **N.(1) Each postsecondary education management board shall adopt**  
2                    **policies to implement the provisions of this Chapter.**

3                    **(2) No postsecondary education institution shall implement the**  
4                    **provisions of this Chapter until such time as the appropriate management**  
5                    **board adopts the required policies. Each management board has discretion as**  
6                    **to when it adopts policies to implement the provisions of this Chapter.**

7                    Section 2. This Act shall become effective upon signature by the governor or, if not  
8                    signed by the governor, upon expiration of the time for bills to become law without signature  
9                    by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
10                    vetoed by the governor and subsequently approved by the legislature, this Act shall become  
11                    effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_