AN ACT

To amend and reenact R.S. 17:3703, relative to intercollegiate athletics; to provide for the responsibilities of postsecondary education institutions with respect to intercollegiate athletes' compensation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3703 is hereby amended and reenacted to read as follows:

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

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

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

B. A postsecondary education institution shall not adopt or maintain 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. Earning compensation shall not affect the intercollegiate athlete's grant-in-aid or athletic eligibility.

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

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

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

(a) Existing institutional sponsorship agreements or contracts.

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

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

(3) An intercollegiate athlete shall not use a postsecondary education institution's facilities, uniforms, registered trademarks, products protected by copyright, or official logos, marks, colors, or other indicia in connection with the use of the athlete's name, image, or likeness.
of the athlete's name, image, or likeness without the express permission of the
postsecondary education institution. In granting this permission, a postsecondary
education institution may require the third-party entity engaging the athlete for a
name, image, or likeness activity to follow the protocols established by the
postsecondary education institution, including licensing protocols.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The workshop shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.
L. No postsecondary institution's employees, including athletics coaching staff, shall be liable for any damages to an intercollegiate athlete's ability to earn compensation for the use of the athlete's name, image, or likeness resulting from decisions and actions routinely taken in the course of intercollegiate athletics. However, nothing in this Subsection shall protect the postsecondary institution or its employees from acts of gross negligence, or wanton, willful, malicious, or intentional misconduct.

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

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

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

The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl Serrett.

DIGEST
SB 250 Engrossed 2022 Regular Session Connick

Present law provides with respect to compensation for the name, image, or likeness of intercollegiate athletes.

Proposed law repeals present law prohibiting a postsecondary education institution, or an officer, director, or employee of a postsecondary education institution from providing compensation or directing compensation to a current or prospective intercollegiate athlete.

Proposed law repeals present law prohibiting a postsecondary education institution from using an athletic booster to, and prohibits an athletic booster from, directly or indirectly, creating or facilitating compensation opportunities for the use of an intercollegiate athlete's name, image, or likeness as a recruiting inducement or as a means of paying for athlete's participation.

Effective upon signature of the governor or lapse of time for gubernatorial action.
Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Repeals present law prohibiting an entity supporting an institution or its intercollegiate programs from providing compensation to a student athlete.

2. Leaves present law prohibition for earning compensation for endorsing certain items.