

2022 Regular Session

SENATE BILL NO. 250

BY SENATOR CONNICK AND REPRESENTATIVE STEFANSKI

AMUSEMENTS/SPORTS. Provides relative to the compensation of intercollegiate athletes for the use of their name, image, or likeness. (gov sig)

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 §3703. Intercollegiate athlete's compensation and rights; responsibilities of
9 postsecondary education institutions

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

14 (2) To preserve the integrity, quality, character, and amateur nature of
15 intercollegiate athletics and to maintain a clear separation between amateur
16 intercollegiate athletics and professional sports, a postsecondary education
17 institution, ~~an entity whose purpose includes supporting or benefitting such~~

1 ~~institution or its intercollegiate athletic programs~~, or an officer, director, employee,
2 or agent of such institution ~~or entity~~ shall not provide a current or prospective athlete
3 with compensation for the use of the student athlete's name, image, or likeness.

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

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

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

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

21 (a) Existing institutional sponsorship agreements or contracts.

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

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

27 (3) An intercollegiate athlete shall not use a postsecondary education
28 institution's facilities, uniforms, registered trademarks, products protected by
29 copyright, or official logos, marks, colors, or other indicia in connection with the use

1 of the athlete's name, image, or likeness without the express permission of the
2 postsecondary education institution. In granting this permission, a postsecondary
3 education institution may require the third-party entity engaging the athlete for a
4 name, image, or likeness activity to follow the protocols established by the
5 postsecondary education institution, including licensing protocols.

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

10 (2) Professional representation obtained by an intercollegiate athlete shall be
11 from persons registered with or licensed for such activity by the state 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 provisions
14 of Chapter 7 of Title 4 of the Louisiana Revised Statutes of 1950. However, the
15 notification provisions of R.S. 4:424(D)(3) shall not apply to an athlete agent who
16 contacts an intercollegiate athlete for the sole purpose of representing the athlete in
17 matters pertaining to the use of the athlete's name, image, or likeness.

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

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

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

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

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

2 ~~I.G.~~ 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 Chapter.

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

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

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

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

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

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

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

1 **L. No postsecondary institution's employees, including athletics coaching**
 2 **staff, shall be liable for any damages to an intercollegiate athlete's ability to**
 3 **earn compensation for the use of the athlete's name, image, or likeness resulting**
 4 **from decisions and actions routinely taken in the course of intercollegiate**
 5 **athletics. However, nothing in this Subsection shall protect the postsecondary**
 6 **institution or its employees from acts of gross negligence, or wanton, willful,**
 7 **malicious, or intentional misconduct.**

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

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

14 Section 2. This Act shall become effective upon signature by the governor or, if not
 15 signed by the governor, upon expiration of the time for bills to become law without signature
 16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 18 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 Tyler McCloud.

DIGEST

SB 250 Reengrossed 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.

(Amends R.S. 17:3703)

Summary of Amendments Adopted by Senate

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.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.