

SENATE BILL NO. 250

BY SENATOR CONNICK AND REPRESENTATIVES GLOVER AND STEFANSKI

1 AN ACT

2 To amend and reenact R.S. 17:3703 and R.S. 44:4.1(B)(9), relative to intercollegiate  
3 athletics; to provide for the responsibilities of postsecondary education institutions  
4 with respect to intercollegiate athletes' compensation; to provide a limitation with  
5 respect to public records; to provide for an effective date; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

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

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

1 or agent of such institution ~~or entity~~ shall not provide a current or prospective athlete  
2 with compensation for the use of the student athlete's name, image, or likeness.

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

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

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

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

20 (a) Existing institutional sponsorship agreements or contracts.

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

22 (2) An intercollegiate athlete shall not earn compensation for the use of the  
23 athlete's name, image, or likeness for the endorsement of tobacco, alcohol, illegal  
24 substances or activities, banned athletic substances, or any form of gambling **or**  
25 **gaming**, 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 use  
29 of the athlete's name, image, or likeness without the express permission of the  
30 postsecondary education institution. In granting this permission, a postsecondary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27          **L. No postsecondary institution's employees, including athletics coaching**  
28          **staff, shall be liable for any damages to an intercollegiate athlete's ability to**  
29          **earn compensation for the use of the athlete's name, image, or likeness resulting**  
30          **from decisions and actions routinely taken in the course of intercollegiate**

1 athletics. However, nothing in this Subsection shall protect the postsecondary  
 2 institution or its employees from acts of gross negligence, or wanton, willful,  
 3 malicious, or intentional misconduct.

4 M. Any document disclosed by the intercollegiate athlete to the  
 5 postsecondary education institution that references the terms and conditions of  
 6 the athlete's contract for compensation shall be confidential and not subject to  
 7 inspection, examination, copying, or reproduction pursuant to the Public  
 8 Records Law.

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

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

15 Section 2. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:

16 §4.1. Exceptions

17 \* \* \*

18 B. The legislature further recognizes that there exist exceptions, exemptions,  
 19 and limitations to the laws pertaining to public records throughout the revised  
 20 statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
 21 limitations are hereby continued in effect by incorporation into this Chapter by  
 22 citation:

23 \* \* \*

24 (9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175,  
 25 1202, 1237, 1252, 1948, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3137, 3390,  
 26 **3703**, 3773, 3884

27 \* \* \*

28 Section 3. This Act shall become effective upon signature by the governor or, if not  
 29 signed by the governor, upon expiration of the time for bills to become law without signature  
 30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

---

PRESIDENT OF THE SENATE

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

GOVERNOR OF THE STATE OF LOUISIANA

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