

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.

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

12 CHAPTER 30. INTERCOLLEGIATE ATHLETICS

13 §3701. Legislative intent

14 The legislature finds that intercollegiate athletics provide intercollegiate
15 athletes with significant educational opportunities. However, participation in
16 intercollegiate athletics should not infringe upon an intercollegiate athlete's
17 ability to earn compensation for the athlete's name, image, or likeness. An
18 intercollegiate athlete must have an equal opportunity to control and profit
19 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.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____