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DIGEST

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SB 60 Reengrossed

2021 Regular Session

Connick

Proposed law provides with respect to compensation for the name, image, or likeness of intercollegiate athletes as follows:

- (1) Allows an intercollegiate athlete enrolled in a public postsecondary education institution or a nonpublic postsecondary institution that receives or disburses any form of state student financial assistance to earn compensation for the use of the athlete's name, image, or likeness.
- (2) Compensation earned by an intercollegiate athlete must be commensurate with the market value of the authorized use of the athlete's name, image, or likeness.
- (3) Provides that no postsecondary education institution, entity whose purpose includes supporting or benefitting an institution or its intercollegiate athletic programs, or officer, director, employee, or agent of such an institution or entity shall provide a current or prospective athlete with compensation for use of his name, image, or likeness.
- (4) Prohibits a postsecondary education institution from adopting or maintaining 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.
- (5) Earning compensation shall not affect the intercollegiate athlete's grant-in-aid or athletic eligibility.
- (6) Prohibits 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.
- (7) Prohibits 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 athletics participation.
- (8) Allows a postsecondary education institution to 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 existing institutional sponsorship agreements or contracts or institutional values as defined by the postsecondary education institution.
- (9) Prohibits an intercollegiate athlete from earning 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 including sports wagering.
- (10) Prohibits an intercollegiate athlete from using a postsecondary education institution's facilities, uniforms, registered trademarks, products protected by copyright, or official logos, marks, colors, or other indicia without the express permission of the postsecondary education institution. Allows a postsecondary education institution to require a 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.

- (11) Prohibits a postsecondary education institution from preventing or unduly restricting an intercollegiate athlete from obtaining professional representation.
- (12) Professional representation obtained by an intercollegiate athlete must be from a person registered with or licensed by the state in accordance with applicable law. An athlete agent representing an intercollegiate athlete must be registered with the state and comply with applicable state and federal law. An attorney representing an intercollegiate athlete must be licensed to practice law.
- (13) A grant-in-aid, including cost of attendance, awarded to an intercollegiate athlete by a postsecondary education institution is not compensation and shall not be revoked or reduced as a result of an intercollegiate athlete earning compensation or obtaining professional or legal representation.
- (14) A contract for compensation for the use of the name, image, or likeness of an intercollegiate athlete under 18 years of age shall be executed on the athlete's behalf by his parent or legal guardian.
- (15) Prohibits an intercollegiate athlete from entering into a contract for compensation for the use of the athlete's name, image, or likeness that conflicts with a term of the athlete's athletic program's team contract.
- (16) An intercollegiate athlete must disclose any contract entered into for compensation for the athlete's name, image, or likeness to the postsecondary education institution in which the athlete is enrolled.
- (17) The duration of a contract for representation of an intercollegiate athlete or compensation for the use of an athlete's name, image, or likeness shall not extend beyond the athlete's participation in an athletic program at a postsecondary institution.
- (18) Requires postsecondary education institutions to conduct a financial literacy and life skills workshop at the beginning of an intercollegiate athlete's first and third academic years. The workshops must include information on time management skills and academic resources and shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.
- (19) Requires postsecondary education management boards to adopt policies to implement the provisions of proposed law and grants each management board discretion as to when it adopts its policies. Prohibits postsecondary institutions from implementing proposed law until such time as the appropriate management board adopts the required polices.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3701-3703)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

- 1. Add definition of "athletic booster".
- 2. Allow a postsecondary institution to prohibit an athlete from using his or her name, image, or likeness for compensation if the activity conflicts with the institution's existing sponsorship agreements or contracts or moral values.

3. Prohibit an athlete from earning compensation for endorsing tobacco, alcohol, illegal or banned substances, or gambling activities, including sports wagering.
4. Prohibit an athlete from using a postsecondary institution's facilities, uniforms, trademarks, copyrighted materials, or official logos, marks, colors, etc. without permission from the institution.
5. Allow a postsecondary institution to require a third party entity engaging an athlete for a name, image, or likeness activity to follow the institution's protocols, including licensing protocols.
6. Exempt athlete agents representing intercollegiate athletes in matters pertaining to the use of the athlete's name, image, or likeness from certain notification requirements.
7. Remove requirement that an attorney representing an intercollegiate athlete be licensed to practice law in Louisiana.
8. Make legislation effective upon signature of the governor.

Senate Floor Amendments to engrossed bill

1. Prohibits postsecondary institutions from implementing proposed law until the appropriate management board adopts implementation policies, and grants each governing board discretion as to when it adopts its policies.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the reengrossed bill:

1. Delete a prohibition against compensation in exchange for athletic performance or attendance at a particular institution and a delete a provision that compensation shall only be provided by a third party unaffiliated with the athlete's institution.
2. Add a provision prohibiting any postsecondary education institution, entity whose purpose includes supporting or benefitting an institution or its intercollegiate athletic programs, or officer, director, employee, or agent thereof from providing compensation to a current or prospective student athlete for use of his name, image, or likeness.