

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)

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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

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~~ **A**  
24 **postsecondary education institution may prohibit an intercollegiate athlete from**  
25 **using the athlete's name, image, or likeness for compensation if the proposed** use  
26 of the athlete's name, image, or likeness **is** for the endorsement of tobacco, alcohol,  
27 illegal substances or activities, banned athletic substances, or any form of gambling  
28 **or gaming,** including sports wagering.

29 (3) An intercollegiate athlete shall not use a postsecondary education

1 institution's facilities, uniforms, registered trademarks, products protected by  
2 copyright, or official logos, marks, colors, or other indicia in connection with the use  
3 of the athlete's name, image, or likeness without the express permission of the  
4 postsecondary education institution. In granting this permission, a postsecondary  
5 education institution may require the third-party entity engaging the athlete for a  
6 name, image, or likeness activity to follow the protocols established by the  
7 postsecondary education institution, including licensing protocols.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alan Miller.

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DIGEST

SB 250 Original                      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 athletics

participation.

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

(Amends R.S. 17:3703)