

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 be commensurate with the market value of the authorized use  
13 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 **is** 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.

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The original instrument was prepared by Alan Miller. The following digest,  
 which does not constitute a part of the legislative instrument, was prepared  
 by Cheryl Serrett.

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DIGEST

SB 250 Engrossed                    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.