

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

SB NO. 250

ENROLLED

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: _____