
The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Mary Francis Aucoin.

DIGEST

SB 465 Reengrossed 2024 Regular Session Talbot

Present law allows an intercollegiate athlete at a postsecondary education institution to earn compensation for the use of the athlete's name, image, or likeness and requires that compensation must be commensurate with the market value of the authorized use of the athlete's name, image, or likeness.

Proposed law authorizes a postsecondary institution or an officer, director, employee, or agent of the institution to participate in name, image, and likeness endeavors directly and in support of intercollegiate athletes only in accordance with one of the following:

1. A court order nullifying or declaring unlawful current restrictions on player compensation.
2. The bylaws or regulations of the athletics governing organization for the postsecondary educational institution.
3. A settlement agreement or consent decree which has the same effect as a change in bylaws or regulations of an athletics governing organization.

Present law prohibits a postsecondary education institution from preventing or unduly restricting an intercollegiate athlete from obtaining professional representation by an athlete agent or an attorney engaged for the purpose of securing compensation for the use of the athlete's name, image, or likeness.

Proposed law retains present law and adds a marketing representative as a professional representative that an athlete can obtain to secure compensation for the use of the athlete's name, image, or likeness.

Present law prohibits an intercollegiate athlete from entering into a contract for compensation for the use of the athlete's name, image, or likeness if a term of the contract conflicts with a term of the intercollegiate athlete's athletic program's team contract.

Proposed law retains present law but requires written approval of the institution's athletic department in order for an intercollegiate athlete to enter into a contract that conflicts with a term of the intercollegiate athlete's athletic program's team contract.

Present law provides that an intercollegiate athlete who enters into a contract for compensation for the use of the athlete's name, image, or likeness must disclose the contract to the postsecondary education institution in which the athlete is enrolled, in the manner designated by the institution.

Proposed law retains present law but provides for the disclosure of the contract when the amount is \$600 or more.

Present law provides for a postsecondary education institution to conduct a financial literacy and life skills workshop for a minimum of five hours at the beginning of an intercollegiate athlete's first and third academic years.

Proposed law retains present law but changes when the financial literacy and life skills training must be provided from at the beginning of an intercollegiate athlete's first and third academic years to annually.

Proposed law changes how long the financial literacy and life skills training must be provided from a minimum of five hours to a minimum of two and one half hours.

Proposed law provides that the postsecondary education institution may provide resources in the areas of financial responsibility, business formation, and marketing to support an intercollegiate athlete's participation in name, image, and likeness endeavors.

Proposed law provides for an exception to liability for any damages to an intercollegiate athlete's ability to earn compensation or other matters relating directly or indirectly to an athlete's eligibility to participate in athletics for a postsecondary institution's officers, directors, or employees, including its staff, educators, administrators, health care professionals, consultants, other staff and agents, whether paid, volunteer, or compensated through third parties.

Proposed law provides for an exception to liability in any manner based upon the performance, nonperformance, breach, or termination of an agreement between the intercollegiate athlete and a third party involving the payment of compensation for name, image, or likeness for postsecondary institutions, nonprofit organizations, officers, directors, employees, or other staff of the institution.

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

(Amends R.S. 17:3703(A), (D), (H)(1), (I), (K)(1), and (L); adds R.S. 17:3703(K)(2)(c))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds the need for written approval of the institution's athletic department in certain circumstances.
2. Provides for annual training for a minimum of two and one half hours.
3. Provides for exceptions to liability.