

Name, Image & Likeness (NIL) Requirements Chart

Updated as of December 1, 2020. Please see our related Advisory "[Are You Ready to Comply With Evolving Name, Image and Likeness \(NIL\) Rules and Regulations?](#)"

ENACTED STATE LAWS

| STATES | STATUS | DISCLOSURE AND CONFLICT OF INTEREST | INSTITUTIONAL AND AGENT INVOLVEMENT IN ATHLETE NIL BUSINESS | ELIGIBILITY IMPLICATIONS |
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| <p>California</p> | <p>"This section shall become operative on January 1, 2023." Cal. Ed. Code § 67456(h)</p> | <p>"(e) (1) A student athlete shall not enter into a contract providing compensation to the athlete for use of the athlete's name, image, or likeness if a provision of the contract is in conflict with a provision of the athlete's team contract. (2) A student athlete who enters into a contract providing compensation to the athlete for use of the athlete's name, image, or likeness shall disclose the contract to an official of the institution." Cal. Ed. Code § 67456 (e)(1)</p> | <p>"Professional representation obtained by student athletes shall be from persons licensed by the state. Professional representation provided by athlete agents shall be by persons licensed pursuant to Chapter 2.5 (commencing with Section 18895) of Division 8 of the Business and Professions Code. Legal representation of student athletes shall be by attorneys licensed pursuant to Article 1 (commencing with Section 6000) of Chapter 4 of Division 3 of the Business and Professions Code." Cal. Ed. Code § 67456 (c)(2)</p> <p>"Athlete agents representing student athletes shall comply with the federal Sports Agent Responsibility and Trust Act, established in Chapter 104 (commencing with Section 7801) of Title 15 of the United States Code, in their relationships with student athletes." Cal. Ed. Code § 67456 (c)(3)</p> | <p>"A postsecondary educational institution shall not uphold any rule, requirement, standard, or other limitation that prevents a student of that institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness shall not affect the student's scholarship eligibility." Cal. Ed. Code § 67456 (a)(1)</p> |
| <p>Colorado</p> | <p>"This section is effective January 1, 2023." C.R.S. 23-16-301</p> | <p>"A student athlete shall not enter into a contract providing compensation to the student athlete if the contract conflicts with a team contract of the team for which the student athlete competes." C.R.S. 23-16-301 § 3(a)</p> <p>"A student athlete who enters into a contract providing compensation to the student athlete in exchange for the use of the student athlete's name, image, or likeness shall disclose the contract to the athletic director of the student athlete's institution within seventy-two HOURS after the student athlete enters into the contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first." C.R.S. 23-16-301 § 3(b)</p> | <p>"Each institution that participates in intercollegiate athletics may sponsor on-campus athlete agent interviews at which an athlete agent may interview student athletes to discuss the athlete agent's representation of the student athletes' athletic ability or reputation. The governing board of the institution or the institution may adopt rules with regard to the scheduling of interview periods, the duration of each interview period, and locations on campus where interviews may be conducted." C.R.S. 23-16-106</p> | <p>"(5) For the purposes of this section, an institution shall not revoke a student athlete's scholarship because the student athlete receives compensation or obtains professional or legal representation as described in this section." C.R.S. 23-16-301 § 5</p> |

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| <p>Florida</p> | <p>“This act shall take effect July 1, 2021.” FLA. STAT. § 1006.74(3)</p> | <p>“An intercollegiate athlete may not enter into a contract for compensation for the use of her or his name, image, or likeness if a term of the contract conflicts with a term of the intercollegiate athlete’s team contract. A postsecondary educational institution asserting a conflict under this paragraph must disclose each relevant contract term that conflicts with the team contract to the intercollegiate athlete or her or his representative.” FLA. STAT. § 1006.74(h) “An intercollegiate athlete who enters into a contract for compensation for the use of her or his name, image, or likeness shall disclose the contract to the postsecondary educational institution at which she or he is enrolled, in a manner designated by the institution.” FLA. STAT. § 1006.74(i)</p> | <p>“Notwithstanding subsection (3), a person must hold a valid license as an athlete agent to act as an athlete agent representing an intercollegiate athlete for purposes of contracts authorized under s. 1006.74.” FLA. STAT. § 468.453(8) “Notwithstanding athletic conference or collegiate athletic association rules, bylaws, regulations, and policies to the contrary, an athlete agent may represent an intercollegiate athlete in securing compensation for the use of her or his name, image, or likeness under s. 1006.74.” FLA. STAT. § 468.453(9)</p> | <p>“Earning such compensation may not affect the intercollegiate athlete’s grant-in-aid or athletic eligibility.” FLA. STAT. § 1006.74(2)(b)</p> |
| <p>Idaho</p> | <p>Effective on July 1, 2020, according to the Legislature’s website.</p> | <p>“Not later than seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.” Idaho Code § 54-4811(2) “Not later than seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.” Idaho Code § 54-4811(3)</p> | <p>“An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent: (a) Give materially false or misleading information or make a materially false promise or representation; (b) Furnish anything of value to the athlete before the athlete enters into the contract; or (c) Furnish anything of value to an individual other than the athlete or another registered athlete agent.” Idaho Code § 54-4814(1) “An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent: (a) Fail to create or retain or to permit inspection of the records required by section 54-4813, Idaho Code; (c) Fail to register when required by section 54-4804, Idaho Code; (d) Provide</p> | <p>“Subject to subsection (7) of this section, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:</p> <p>Warning to Student Athlete</p> <p>IF YOU SIGN THIS CONTRACT: (1) You may lose your eligibility to compete as a student athlete in your sport; (2) If you have an athletic director, within 72 hours after signing this contract or before the next scheduled athletic event in which you participate, whichever occurs first, both you and your athlete agent must notify your athletic director that you have entered into this contract and provide the name and contact information of the athlete agent; and (3) You may cancel this contract within 14 days after signing it. cancellation of this contract may not reinstate your eligibility as a student athlete in your sport.” Idaho Code § 54-4810(3)</p> |

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| <p>Idaho (continued)</p> | | | <p>materially false or misleading information in an application for registration or renewal of registration; (b) Predate or postdate an agency contract; or (c) Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.” Idaho Code § 54-4811(2)</p> | |
| <p>Nebraska</p> | <p>“Each postsecondary institution shall determine a date on or before July 1, 2023, upon which the Nebraska Fair Pay to Play Act shall begin to apply to such postsecondary institution and the student-athletes who participate in an intercollegiate sport for such postsecondary institution and to any collegiate athletic association or professional representation in interactions with such post-</p> | <p>“Any student-athlete who enters into a contract that provides compensation for the use of such student-athlete’s name, image, or likeness rights or athletic reputation shall disclose such contract to an official of the postsecondary institution for which such student-athlete participates in an intercollegiate sport. The official to which such contract shall be disclosed shall be designated by each postsecondary institution, and the designation shall be communicated in writing to each student-athlete participating in an intercollegiate sport for such postsecondary institution. Unless otherwise required by law, each postsecondary institution shall be prohibited from disclosing any terms of such contract that the student-athlete or the student-athlete’s professional representation deems to be a trade secret or otherwise nondisclosable.” Neb. Rev. Stat. § 48-3604 “No student-athlete shall enter into a contract with a sponsor that provides compensation to the student-athlete for use of the student- athlete’s name, image, and likeness rights or athletic reputation if (a) such contract requires such student-athlete to display such sponsor’s apparel or to otherwise advertise for the sponsor during official team activities and (b) compliance with such contract requirement would conflict with a team contract. Any</p> | <p>“An agency contract must be in a record, signed or otherwise authenticated by the parties. (2) An agency contract must state or contain: (a) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services; (b) The name of any person not listed in the application for registration or renewal of registration who will be compensated because the student-athlete signed the agency contract; (c) A description of any expenses that the student-athlete agrees to reimburse; (d) A description of the services to be provided to the student-athlete; (e) The duration of the contract; and (f) The date of execution. (3) An agency contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:</p> <p>WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT: (1) IF YOU ENTER INTO NEGOTIATIONS FOR, OR SIGN, A PROFESSIONAL-SPORTS- SERVICES CONTRACT, YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT; (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT,</p> | <p>“No postsecondary institution shall allow compensation earned by a student-athlete for the use of such student-athlete’s name, image, or likeness rights or athletic reputation to affect the duration, amount, or eligibility for or renewal of any athletic grant-in-aid or other institutional scholarship, except that compensation earned by a student-athlete for the use of such student-athlete’s name, image, or likeness rights or athletic reputation may be used for the calculation of income for determining eligibility for need-based financial aid.” Neb. Rev. Stat. § 48-3603(4)</p> |

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| <p>Nebraska (continued)</p> | <p>secondary institution or student-athletes.” Neb. Rev. Stat. § 48-3609</p> | <p>postsecondary institution asserting such conflict shall disclose to the student-athlete and the student-athlete’s professional representation, if applicable, the full team contract that is asserted to be in conflict. The student-athlete and the student-athlete’s professional representation, if applicable, shall be prohibited from disclosing any terms of a team contract that the postsecondary institution deems to be a trade secret or otherwise nondisclosable.” Neb. Rev. Stat. § 48-3605(1) “No team contract shall prevent a student-athlete from receiving compensation for the use of such student-athlete’s name, image, and likeness rights or athletic reputation when the student-athlete is not engaged in official team activities.” Neb. Rev. Stat. § 48-3605(2)</p> | <p>BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.</p> <p>(4) An agency contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agency contract, the student-athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student-athlete to enter into the contract. (5) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student-athlete at the time of execution.” Neb. Rev. Stat. § 48-2610”An athlete agent, with the intent to induce a student-athlete to enter into an agency contract, may not: (a) Give any materially false or misleading information or make a materially false promise or representation; (b) Furnish anything of value to a student-athlete before the student- athlete enters into the agency contract; or (c) Furnish anything of value to any individual other than the student- athlete or another registered athlete agent. (2) An athlete agent may not intentionally: (a) Initiate contact with a student-athlete unless registered under the Nebraska Uniform Athlete Agents Act; (b) Refuse or fail to retain or permit inspection of the records required to be retained by section 48-2613; (c) Fail to register when required by section 48-2604; (d) Provide materially false or misleading information in an application for registration or renewal of registration; (e) Predate or postdate an agency contract; or (f) Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agency contract for a particular sport that entering into negotiations for, or signing, a professional-sports-services contract the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.” Neb. Rev. Stat. § 48-2614</p> | |

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| <p>New Jersey</p> | <p>This act shall take effect at the start of the institution/s 2025-2026 academic year. N.J. PL 2020, c. 83</p> | <p>“A student-athlete who enters into a contract providing compensation to the student-athlete for use of his name, image, or likeness shall disclose the contract to an official of the four-year institution of higher education, to be designated by the institution.” N.J. Stat. § 18A:3B-89(a)</p> <p>“A student-athlete shall not enter into a contract providing compensation to the student-athlete for use of his name, image, or likeness if a provision of the contract: (1) conflicts with a provision of the student-athlete’s team contract; or (2) conflicts with the provisions of subsection b. of section 2 of this act.” N.J. Stat. § 18A:3B-89(b)</p> | <p>“Legal representation obtained by student-athletes shall be from attorneys licensed by the State. Athlete agents representing student-athletes shall comply with the federal “Sports Agent Responsibility and Trust Act” (15 U.S.C. s.7801 et seq.) in their relationship with student-athletes.” N.J. Stat. § 18A:3B-87(a)(3)</p> | <p>“Except as otherwise provided pursuant to subsection b. of this section, earning compensation from the use of a student’s name, image, or likeness shall not affect the student’s institutional scholarship eligibility. An institutional scholarship shall not be considered compensation for the purposes of this act and a scholarship shall not be revoked as a result of a student earning compensation or obtaining professional representation.” N.J. Stat. § 18A:3B-87(a)</p> <p>“Notwithstanding the provisions of subsection a. of this section to the contrary, a student participating in intercollegiate athletics shall be prohibited from earning compensation as a result of the use of the student’s name, image, or likeness in connection with any person, company, or organization related to or associated with the development, production, distribution, wholesaling, or retailing of: adult entertainment products and services; alcohol products; casinos and gambling, including sports betting, the lottery, and betting in connection with video games, on-line games, and mobile devices; tobacco and electronic smoking products and devices; 1prescription1 pharmaceuticals; a controlled dangerous substance; and weapons, including firearms and ammunition. Earning compensation from the use of a student’s name, image, or likeness in connection with products and services listed pursuant to this subsection shall result in the revocation of the student’s institutional scholarship eligibility.” N.J. Stat. § 18A:3B-87(b)</p> |

PROPOSED STATE LAWS

| STATES | PROPOSED EFFECTIVE DATE | STATUS |
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| Alabama | January 1, 2023. | First reading on February 4, 2020 but “died” in 2020 Legislative Session |
| Arizona | December 31, 2022. | Passed the House on March 4, 2020. Had Second Read in Senate on March 9, 2020. |
| Connecticut | July 1, 2023. | Bill was set for Public Hearing on March 5, 2020. |
| Georgia | January 1, 2023. | Currently in Second Read in the House. |
| Hawaii | June 18, 2050. | Referred to respective House Committee on Lower and Higher Education, House Judiciary Committee, and House Finance Committee. |
| Illinois | January 1, 2023. | Referred to the Senate Assignments Committee on December 15, 2019. |
| Iowa | July 1, 2023. | Bill was approved by Senate Committee on Education on February 19, 2020. |
| Kansas | July 1 following the publication of the notice by the secretary of state in the Kansas register. | Bill died in house Committee on Commerce, Labor and Economic Development on May 21, 2020. |
| Kentucky | July 1, 2023. | Referred to House Education Committee on March 4, 2020. |
| Louisiana | January 1, 2023. | Referred to Senate Committee on Education on March 9, 2020. |
| Maryland | July 1, 2022. | Referred to House Appropriations Committee on January 27, 2020. |
| Massachusetts | No effective date indicated. | Attached to a study order on February 18, 2020 and discharged to Committee on Senate Rules on February 20, 2020. |
| Michigan | December 31, 2022. | Passed Michigan House on May 27, 2020. Currently in Senate Committee on Regulatory Reform. |
| Minnesota | January 1, 2024. | Introduced and referred to House Higher Education Finance and Policy Division. |
| Missouri | July 1, 2021. | Referred to House Rules - Legislative Oversight Committee on March 5, 2020. |
| New Hampshire | July 1, 2022. | Laid on Table (died) at end of 2020 Legislative Session. |

PROPOSED STATE LAWS

| STATES | PROPOSED EFFECTIVE DATE | STATUS |
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| New York | January 1, 2023. | Referred to Senate Higher Education Committee on January 8, 2020. |
| North Carolina | January 1, 2023. | Referred to Senate Committee on Rules and Operations on May 18, 2020. |
| Oklahoma | September 1, 2023. | Passed by House Higher Education and Career Tech Committee |
| Oregon | January 1, 2023. | The bill passed the Senate but died in the House on March 8, 2020 at the conclusion of the 2020 Legislative Session. |
| Pennsylvania | July 1, 2020. | Referred to House Education Committee on October 15, 2019. |
| Rhode Island | January 1, 2021. | House Bill No. 7806 was introduced and referred to the House Committee on Health Education and Welfare. |
| South Carolina | January 1, 2021. | Referred to Senate Committee on Education on January 14, 2020. |
| Tennessee | Both versions go into effect July 1, 2023. | |
| Vermont | January 1, 2023. | Bill was Read First Time and Referred to the Committee on Education on January 21, 2020. |
| Virginia | July 1, 2024. | Left in the House Appropriations Committee as of February 11, 2020 |
| Washington | January 1, 2023. | Referred to the House Rules Committee on February 11, 2020. |
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PROPOSED FEDERAL LEGISLATION

| FEDERAL BILL | STATUS | DISCLOSURE AND CONFLICT OF INTEREST | INSTITUTIONAL AND AGENT INVOLVEMENT IN ATHLETE NIL BUSINESS | ELIGIBILITY IMPLICATIONS | OTHER KEY CONSIDERATIONS |
|---|--|--|--|--|---|
| <p>H.R. 8382 - Student Athlete Level Playing Field Act</p> | <p>Introduced in U.S. House of Representatives on September 24, 2020. Sponsored by Rep. Anthony Gonzalez - [R-OH-16]</p> | <p>“ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE AFTER ENTERING INTO AN AGENCY CONTRACT. — Section 3(b)(3) of the Sports Agent Responsibility and Trust Act (15 U.S.C. 7802(b)(3)) is amended in the quoted part by inserting after “boldface type stating:” the following: “Notice to Student Athlete: If you agree orally or in writing to be represented by an agent now or in the future, both you and the agent by whom you are agreeing to be represented must notify the athletic director of the educational institution at which you are enrolled, or other individual responsible for athletic programs at such educational institution, that you have entered into an agency contract. Such notification must be within 72 hours after entering into this contract or before the next athletic event in which you are eligible to participate, whichever occurs first.” 15 U.S.C. 7802(b)(3)</p> | <p>“COVERED ATHLETIC ORGANIZATION COMMISSION. (a) ESTABLISHMENT. — There is established the Covered Athletic Organization Commission (in this section referred to as the “Commission”), whose purpose shall be to— (1) make recommendations to Congress and to each covered athletic organization about the implementation of name, image, and likeness rules; (2) recommend to each covered athletic organization such a process to certify or recognize credentialed athlete agents; (3) make recommendations for the establishment of an independent dispute resolution process, for any dispute arising between a student athlete and a covered athletic organization or institution of higher education; and (4) and make recommendations for additional categories of endorsement contracts that are excepted under section 2(a)(2).” Section 3</p> | <p>“(30) In the case of an institution that has a student attending the institution who is an athlete and has entered into an endorsement contract (as defined under section 2 of the Sports Agent Responsibility and Trust Act (15 U.S.C. 7801)) or an agency contract (as defined in section 9 of the Student Athlete Level Playing Field Act), such institution will not— “(A) prohibit such student from entering into such an endorsement contract or an agency contract, including through a rule, standard, or policy that affects the eligibility of such student to receive athletically related student aid (as defined in section 485(e) of the Higher Education Act of 1965 (20 U.S.C. 1092(e));” 20 U.S.C. 1094(a)</p> | <p>Other key considerations: financial literacy courses for student-athletes, preemption of state law</p> |

PROPOSED FEDERAL LEGISLATION

| FEDERAL BILL | STATUS | DISCLOSURE AND CONFLICT OF INTEREST | INSTITUTIONAL AND AGENT INVOLVEMENT IN ATHLETE NIL BUSINESS | ELIGIBILITY IMPLICATIONS | OTHER KEY CONSIDERATIONS |
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| <p>S. 4004 - Fairness in College Athletics Act</p> | <p>This bill was introduced in the Senate on June 18, 2020.</p> | <p>“ESTABLISHMENT OF RULES FOR PAYMENT OF STUDENT ATHLETES. Not later than June 30, 2021, any intercollegiate athletic association shall establish— (2) rules and programs for the administration of the policy described in paragraph (1), including— (A) requiring student athletes to report any compensation described in such paragraph, or any agreement to receive such compensation, to the institution of higher education in which they are enrolled and the intercollegiate athletic association within a reasonable period following— (i) the date on which an agreement to receive such compensation is reached between the student athlete and the third party; and (ii) the date on which such compensation is received by the student athlete;” Section 3 (2)(A)</p> | <p>SEC. 3. ESTABLISHMENT OF RULES FOR PAYMENT OF STUDENT ATHLETES. Not later than June 30, 2021, any intercollegiate athletic association shall establish— (1) a policy that permits any student athlete to— (A) earn compensation from a third party as a result of the use of the name, image, or likeness of such student athlete; and (B) subject to the requirements under section 3 of the Sports Agent Responsibility and Trust Act (15 U.S.C. 7802), obtain professional representation with respect to matters described in subparagraph (A);” Section 3(1)</p> | <p>“ESTABLISHMENT OF RULES FOR PAYMENT OF STUDENT ATHLETES. Not later than June 30, 2021, any intercollegiate athletic association shall establish—(B) such rules and programs as are deemed necessary to— (i) preserve the amateur status of student athletes;” Section 3(2)(B)</p> | <p>“ESTABLISHMENT OF RULES FOR PAYMENT OF STUDENT ATHLETES. Not later than June 30, 2021, any intercollegiate athletic association shall establish—(B) such rules and programs as are deemed necessary to— (i) preserve the amateur status of student athletes;” Section 3(2)(B)</p> |

ATHLETIC ASSOCIATION RULES

| ASSOCIATION | STATUS | DISCLOSURE AND CONFLICT OF INTEREST | INSTITUTIONAL AND AGENT INVOLVEMENT IN ATHLETE NIL BUSINESS | ELIGIBILITY IMPLICATIONS |
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| <p>NCAA - Division 1 PROPOSAL</p> | <p>The NCAA D-1 Council approved the proposal on October 30, 2020. An official vote is set for January 2021 and, if approved, the proposal will go into effect on August 1, 2021.</p> | <p>Disclosure of Name, Image and Likeness Business Activities -- Prospective Student-Athletes. A prospective student-athlete who has received an offer of athletically related financial aid is required to report all name, image and likeness activities to an independent third-party administrator. Disclosure shall include details of relationships with other individuals or entities involved in the business activities (e.g., contact information for commercial entities, professional service providers, other involved parties, compensation arrangements with such individuals or entities).” 12.4.5.1.5 *Important to note that these same disclosure requirements also apply to Promotional Activities for Prospective Students (12.5.3.2)* “Disclosure of Name, Image and Likeness Business Activities – Student-Athletes. A student-athlete shall disclose information related to business activities that involve the use of his or her name, image or likeness, including details of relationships with other individuals or entities involved in the business activities (e.g., contact information for commercial entities, professional service providers, other involved parties, compensation arrangements with such individuals or entities). The student-athlete shall provide such information in advance of any arrangements or agreement for the use of his or her name, image or likeness and shall provide updates to the information within 14 days if arrangements with involved individuals or entities change.” 12.4.2.1.7 *Important to note that disclosure of NIL promotional activities for student-athletes is to be made to a third-party administrator, not the athletic department. (12.5.3.3)* “Conflicts With Institutional Agreements and Other Considerations. An institution may prohibit a student-athlete’s involvement in name, image and likeness activities that conflict with existing institutional sponsorship</p> | <p>“Use of Professional Service Providers for Name, Image and Likeness Activities. Use of Professional Service Providers. An individual may use the services of a professional service provider in the following name, image and likeness activities: (a) Advice regarding name, image and likeness activities; (b) Representation in contract negotiations related to name, image and likeness activities; and (c) Marketing of the student-athlete’s name, image and likeness activities. Limitation on Marketing Athletics Ability or Reputation. A professional service provider who represents an individual in name, image and likeness activities may not also represent a student-athlete for the purpose of marketing his or her athletics ability or reputation in a sport to secure an opportunity as professional athlete. Institutional Employees or Independent Contractors. A student-athlete is not permitted to use a professional service provider in name, image and likeness activities who is an employee or independent contractor of the institution. For purposes of this provision, an entity that contracts with an institution for the primary purpose of providing products but not services is not considered to be an independent contractor. Fees and Payment Arrangements for Services. A fee arrangement for professional services shall be consistent with typical industry arrangements must not be discounted as a result of athletics ability. Fees must be disclosed pursuant to a written agreement (e.g., flat fee, profit share, upfront guarantee) with the service provider. A student-athlete may receive the same de minimis benefits (e.g., meals, copies, mailing) from a professional service provider that nonstudent-athletes receive. Institutional Involvement. An institution may provide information and education related to name, image and likeness activities and may assist a student-athlete with evaluating</p> | <p>“An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport to secure an opportunity as professional athlete. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.” 12.3.1</p> |

ATHLETIC ASSOCIATION RULES

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| <p>NCAA - Division 1 PROPOSAL (continued)</p> | | <p>arrangements. An institution, at its discretion, may prohibit a student-athlete's involvement in name, image and likeness activities based on other considerations, such as conflict with institutional values, as defined by the institution. An institution shall have policies that set forth the name, image and likeness activities in which student-athletes may or may not engage. An institution shall provide such policies to a prospective student-athlete by the point in which an offer of financial aid and/or admission is provided to the prospective student-athlete." 12.5.3.1.3</p> | <p>professional service providers related to such activities. However, an institution may not identify or select a professional service provider or arrange for or provide payment for services rendered to the student-athlete." 12.5.4.1-2</p> | |
| <p>NAIA ADOPTED</p> | <p>NAIA has permitted student-athletes to be compensated for NIL since October 6, 2020.</p> | <p>"Student-Athlete's Failure to Report Name, Image, Likeness Compensation A student-athlete receiving compensation for the use of his or her name, image or likeness to promote a commercial product or enterprise, or public or media appearance must report it in writing to his or her athletics director when such promotion includes reference to his or her status as a student-athlete or institution. Failure to do so shall result in an institutional self-report, to be reviewed by the National Coordinating Committee. The committee is empowered to review such violations and apply penalties as necessary, including but not limited to a warning or reprimand to the student-athlete, withholding the student from future competitions, and/or determining the student has lost his or her amateur status." Art. VI § B(11)</p> | <p>"Staff members of all member institutions' athletics departments shall not accept compensation or gratuities of any kind (either directly or indirectly) for representing a professional sports organization or an athlete as an agent in the negotiation of a contract for any student. Staff members of all member institutions' athletics departments shall not accept compensation or gratuities of any kind (either directly or indirectly) in acting as scouts for a professional sports organization during the regular academic year of the staff members' institution." Art. I § X</p> | <p>"The following acts will NOT cause an athlete to lose amateur standing. 8. Receiving compensation for use of name, image or likeness to promote any commercial product or enterprise, or public or media appearance. It is the responsibility of the student-athlete to notify their institution's athletics director in writing of any compensation the student receives from the use of their name, image or likeness in relation to their school or status as a student-athlete." Art. VII § B(8)</p> |