

# Name, Image & Likeness (NIL) Requirements Chart

Updated as of March 30, 2021. Please see our related Advisory: [The Latest on NIL: Updates to State and Federal Laws](#)

ENACTED STATE LAWS					
STATES	STATUS	DISCLOSURE AND CONFLICT OF INTEREST	INSTITUTIONAL AND AGENT INVOLVEMENT IN ATHLETE NIL BUSINESS	ELIGIBILITY IMPLICATIONS	PROVISIONS RELATING TO EDUCATIONAL REQUIREMENTS, LABOR LAW, ANTI-DISCRIMINATION, AND/OR OTHER AREAS
<a href="#">Arizona</a>	Signed into law by Governor Ducey on Friday, March 26, 2021. Under the Arizona Constitution, the newly signed law will take affect 90 days after the Arizona State Legislature adjourns – giving the newly signed law an effective date of Friday, July 23, 2021.	“D. This section <b>does not authorize student athletes to enter into a contract</b> providing compensation for the use of the student athlete’s name, image or likeness if doing so either: 1. Violates the intellectual property rights of any person, including the student athlete’s postsecondary education institution. 2. <b>Conflicts with the student athlete’s team contract.</b> ” A.R.S. 15-1892(D)	“C. <b>An athlete agent</b> who advises or represents a student athlete in connection with earning compensation from the use of that student athlete’s own name, image or likeness <b>shall comply with chapter 13, article 10 [Uniform Athlete Agents Act] of this title.</b> ” A.R.S. 15-1892(C)	“B. A student athlete <b>may not be denied a scholarship, have a scholarship revoked, be deemed ineligible for a scholarship or be deemed ineligible for participating in intercollegiate athletics</b> based on earning compensation for the use of that student athlete’s name, image or likeness in a manner and to the extent allowed by the rules established by the relevant national association for promoting or regulating collegiate athletics.” A.R.S. 15-1892(B)	None.
<a href="#">California</a>	“This section shall become operative on <b>January 1, 2023.</b> ” Cal. Ed. Code § 67456(h)	“(e) (1) A student athlete <b>shall not</b> enter into a contract providing compensation to the athlete for use of the athlete’s name, image, or likeness <b>if a provision of the contract is in conflict with a provision of the athlete’s team contract.</b> (2) A student athlete who enters into a contract providing compensation to the athlete for use of the athlete’s name, image, or likeness <b>shall disclose the contract to an official of the institution,</b> to be designated by the institution.” Cal. Ed. Code § 67456 (e)(1)	“Professional representation obtained by student athletes shall be from <b>persons licensed by the state.</b> 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) “Athlete agents representing student athletes shall <b>comply with the federal Sports Agent Responsibility and Trust Act,</b> 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)	“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 <b>shall not affect the student’s scholarship eligibility.</b> ” Cal. Ed. Code § 67456 (a)(1)	None.

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<p><b>Colorado</b></p>	<p>“This section is effective <b>January 1, 2023.</b>” C.R.S. 23-16-301</p>	<p>“A student athlete <b>shall not</b> enter into a contract providing compensation to the student athlete if the contract <b>conflicts with a team contract of the team for which the student athlete competes.</b>” C.R.S. 23-16-301 § 3(a)                      “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 <b>shall disclose the contract to the athletic director of the student athlete’s institution within seventy-two HOURS</b> 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 <b>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 in the marketing of the student athletes’ athletic ability or reputation.</b> 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 <b>shall not revoke a student athlete’s scholarship</b> 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>	<p>None.</p>
<p><b>Florida</b></p>	<p>“This act shall take effect <b>July 1, 2021.</b>” FLA. STAT. § 1006.74(3)</p>	<p>“An intercollegiate athlete <b>may not</b> enter into a contract for compensation for the use of her or his name, image, or likeness if a term of the <b>contract conflicts with a term of the intercollegiate athlete’s team contract.</b> 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 <b>shall disclose the contract to the postsecondary educational institution at which she or he is enrolled, in a manner designated by the institution.</b>” 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>Institutions are required to conduct a financial literacy and life skills workshop for at least 5 hours at the beginning of the intercollegiate athlete’s first and third academic years. FLA. STAT. § 1006.74(h)</p>

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<p><a href="#">Idaho</a></p>	<p>Effective on <b>July 1, 2020</b>, according to the Legislature's website.</p>	<p><b>“Not later than seventy-two (72) hours after entering</b> into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the <b>athlete agent shall give notice</b> in a record of the existence of the contract to the <b>athletic director</b> 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) <b>“Not later than seventy-two (72) hours after entering</b> into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the <b>athlete shall inform the athletic director</b> 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 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>“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>	<p>None.</p>
<p><a href="#">Michigan</a></p>	<p>This act is set to <b>“take effect December 31, 2022.”</b> H.B. 5217 § 11.</p>	<p><b>“Sec. 6. A student shall not enter into an apparel contract providing compensation to the student for use of his or her name, image, or likeness rights that requires the student to display a sponsor’s apparel, or otherwise advertise for a sponsor, during official team activities if the provision is in conflict with a provision of the student’s postsecondary educational institution’s team contract.”</b> HB 5217 § 6 “Sec. 7. (1) A student who intends to enter into a verbal or written opportunity or contract that would provide compensation to the student for use of his or her name, image, or likeness rights <b>shall disclose the proposed opportunity or contract</b></p>	<p><b>“(3) For purposes of this section, professional representation</b> by an athlete agent, financial advisor, or attorney must be provided by persons licensed in this state, as applicable.” HB 5217 § 3</p>	<p><b>“Sec. 4. For purposes of this act, an athletics grant-in aid or stipend scholarship from a postsecondary educational institution in which a student is enrolled is not compensation for use of a student’s name, image, or likeness rights, and the institution shall not revoke or reduce an athletics grant-in aid or stipend scholarship based upon a student earning compensation in accordance with this act.”</b> HB 5217 § 4</p>	<p>None.</p>

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<p><a href="#">Michigan</a> (continued)</p>		<p>to a designated official of the postsecondary educational institution that the student attends, as designated by that institution, at least 7 days prior to committing to the opportunity or contract, for review by that institution. (2) If the postsecondary educational institution described in subsection (1) identifies a conflict between the student’s proposed opportunity or contract and any existing agreements of the postsecondary educational institution, the postsecondary educational institution shall communicate that conflict to the student so that the student may negotiate a revision of the opportunity or contract to avoid the conflict and that revision is subject to additional review and approval by the postsecondary educational institution in accordance with this section. (3) A team contract of a postsecondary educational institution’s athletic program shall not prevent a student from receiving compensation for using his or her name, image, or likeness rights for a commercial purpose when the student is not engaged in official team activities. (4) This section does not apply to a contract entered into, modified, or renewed on or before the effective date of this act.” HB 5217 § 7</p>			
<p><a href="#">Nebraska</a></p>	<p>“Each post-secondary 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</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  <b>“No student-athlete shall enter into a contract with a sponsor that provides compensation</b></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><b>“No postsecondary institution shall allow</b> compensation earned by a student-athlete for the use of such student-athlete’s name, image, or likeness rights or athletic reputation to <b>affect the duration, amount, or eligibility for or renewal of any athletic grant-in-aid or other institutional scholarship</b>, 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>	<p>None.</p>

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<p><b>Nebraska</b> <b>(continued)</b></p>	<p>institution and to any collegiate athletic association or professional representation in interactions with such postsecondary institution or student-athletes.” Neb. Rev. Stat. § 48-3609</p>	<p>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>(b) compliance with such contract requirement would conflict with a team contract.</b> Any 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>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, 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><a href="#">New Jersey</a></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 <b>shall disclose the contract to an official of the four-year institution of higher education, to be designated by the institution.</b>” N.J. Stat. § 18A:3B-89(a)</p> <p>“A student-athlete <b>shall not</b> enter into a contract providing compensation to the student-athlete for use of his name, image, or likeness if a provision of the contract:</p> <p>(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. <b>Athlete agents representing student-athletes shall comply with the federal “Sports Agent Responsibility and Trust Act”</b> (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. <b>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.</b>” N.J. Stat. § 18A:3B-87(b)</p>	<p>None.</p>



PROPOSED STATE LAWS

STATES	PROPOSED EFFECTIVE DATE	STATUS	PROVISIONS RELATING TO EDUCATIONAL REQUIREMENTS, LABOR LAW, ANTI-DISCRIMINATION, AND/OR OTHER AREAS
<a href="#">Alabama</a>	July 1, 2021.	Passed Alabama House of Representatives on March 9, 2021 and referred to the Alabama Senate Committee on Judiciary on March 11, 2021.	Yes. The bill requires institutions to conduct financial literacy and life skills programming for student athletes. Ala. Code § 8-26B-32(5)
<a href="#">Arkansas</a>	January 1, 2022.	Passed Arkansas House of Representatives on March 29, 2021 and was referred to the Arkansas Senate Education Committee on March 29, 2021.	None.
<a href="#">Georgia</a>	In accordance with the Georgia legislative process, the bill, if passed, would go into effect the following July 1.	The bill passed the Georgia House of Representatives on March 8, 2021 and tabled in the Georgia Senate on March 29, 2021.	Yes. The bill requires institutions to conduct financial literacy and life skills programming for student athletes. Ga. Code Ann. § 20-3-681(e)
<a href="#">Iowa</a>	The bill would take effect immediately and apply to any agreement entered into, renewed, modified, or extended on or after the earliest of (1) July 1, 2021, (2) the effective date of a substantially similar federal law, or (3) the effective date of an athletic association or athletic conference rule regarding name, image and likeness compensation for student athletes.	Bill was approved by Senate Judiciary Committee on February 17, 2021.	None.
<a href="#">Kansas</a>	January 1, 2022.	The bill passed the Kansas House of Representatives on March 2, 2021 and had a hearing in the Senate Committee on Federal and State Affairs on March 18, 2021.	None.
<a href="#">Kentucky</a>	July 1, 2023.	The bill was referred to Senate Committee on Committees on February 11, 2021.	None.
<a href="#">Louisiana</a>	July 1, 2021.	The bill was pre-filed and provisionally referred to the Senate Committee on Education on March 22, 2021.	None.
<a href="#">Maryland (House)</a> <a href="#">Maryland (Senate)</a>	July 1, 2023.	Both the House of Delegates and Senate versions of the bill have passed Third Reading.	None for either.
<a href="#">Massachusetts (House)</a> <a href="#">Massachusetts (Senate)</a>	No effective date indicated in bill but, per Massachusetts law, enacted bills become effective 90 days after approval by the Governor.	The Massachusetts House of Representatives bill was filed on January 20, 2021. The Massachusetts Senate bill was filed on February 19, 2021.	None for either.
<a href="#">Minnesota</a>	January 1, 2024.	Introduced and referred to House Higher Education Finance and Policy Division.	None.
<a href="#">Mississippi (House)</a> <a href="#">Mississippi (Senate)</a>	July 1, 2021.	The Mississippi Senate bill passed on February 9, 2021. The Mississippi House of Representatives bill passed on February 11, 2021. Following Conference between both bodies, the Conference Report was adopted on March 26, 2021 and the bill awaits approval by the Governor.	None for either.
<a href="#">Montana</a>	June 1, 2023.	The bill passed Third Reading in the Montana Senate on February 27, 2021 and is scheduled for Third Reading in the Montana House of Representatives on March 30, 2021.	None.
<a href="#">New Mexico</a>	July 1, 2021.	The bill passed the New Mexico Senate on February 19, 2021 and passed the New Mexico House of Representatives on March 14, 2021. The bill awaits approval by the Governor.	None.

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<p><a href="#">New York (Assemblywoman Solages)</a>  <a href="#">New York (Senator Griffo)</a>  <a href="#">New York (Senator Parker and Bailey)</a></p>	<p>Assemblywoman Solages' bill – January 1, 2025                      Senator Griffo's bill – effective immediately                      Senator Parker and Bailey's bill – January 1, 2025</p>	<p>Assemblywoman Solages' bill was referred to the Standing Committee on Higher Education on February 11, 2021.                      Senator Griffo's bill was referred to the Standing Committee on Higher Education on February 11, 2021.                      Senator Parker and Bailey's bill was referred to the Standing Committee on Higher Education on March 22, 2021.</p>	<p>None for either.</p>
<p><a href="#">North Carolina</a></p>	<p>January 1, 2024.</p>	<p>The bill passed First Reading in the North Carolina Senate and was referred to the Committee on Rules and Operations of the Senate on March 22, 2021.</p>	<p>None.</p>
<p><a href="#">Oklahoma</a></p>	<p>January 1, 2022.</p>	<p>The bill had its Second Reading and was referred to the House Committee on Business on Commerce.</p>	<p>None.</p>
<p><a href="#">Oregon</a></p>	<p>July 1, 2021.</p>	<p>The bill was introduced and referred to the Senate Rules Committee on March 24, 2021. It is set for a Public hearing on April 8, 2021.</p>	<p>None.</p>
<p><a href="#">Pennsylvania</a></p>	<p>If passed, the bill would take effect 60 days after passage.</p>	<p>The bill was referred to the House Committee on Education on March 4, 2021.</p>	<p>None.</p>
<p><a href="#">South Carolina</a></p>	<p>July 1, 2023.</p>	<p>The bill was introduced and referred to the Senate Committee on Education on March 23, 2021.</p>	<p>None.</p>
<p><a href="#">Tennessee (House)</a>  <a href="#">Tennessee (Senate)</a></p>	<p>Both the House of Representatives and Senate bills go into effect July 1, 2023.</p>	<p>The House of Representative Bill was assigned to Higher Education Subcommittee of Education Administration on February 24, 2021. The Senate Bill passed Second Reading and was assigned to the Senate Education Committee on February 22, 2021.</p>	<p>None for either.</p>
<p><a href="#">Texas</a></p>	<p>January 1, 2023.</p>	<p>The bill had its First Reading and was referred to the House Higher Education Committee on March 1, 2021.</p>	<p>None.</p>
<p><a href="#">West Virginia</a></p>	<p>The bill becomes law upon the governor's signature.</p>	<p>The bill was introduced then referred to the House Education Committee on February 17, 2021.</p>	<p>None.</p>



PROPOSED FEDERAL LEGISLATION (117TH CONGRESS)

FEDERAL BILL	STATUS	DISCLOSURE AND CONFLICT OF INTEREST	INSTITUTIONAL AND AGENT INVOLVEMENT IN ATHLETE NIL BUSINESS	ELIGIBILITY IMPLICATIONS	PROVISIONS RELATING TO EDUCATIONAL REQUIREMENTS, LABOR LAW, ANTI-DISCRIMINATION AND/OR OTHER AREAS
<p><a href="#">S. 238 - College Athlete Economic Freedom Act</a></p> <p>This bill was introduced by and is being sponsored by Senator Chris Murphy (D-CT) on February 4, 2021.</p>	<p>On February 4, 2021, the bill was read twice and referred to the Senate Committee on Commerce, Science, and Transportation.</p>	<p>No explicit prohibition on student athletes entering into contracts that interfere with team contracts or explicit disclosure requirements.</p>	<p>“(b) RIGHT TO REPRESENTATION. — (1) ABILITY FOR COLLEGE ATHLETES TO RETAIN REPRESENTATION. — An institution of higher education or intercollegiate athletic association may not prevent a college athlete or prospective college athlete from fully participating in intercollegiate athletics based on the college athlete or prospective college athlete having obtained professional representation with respect to a contract or legal matter, including — (A) representation provided by an athlete agent or financial advisor; and (B) legal representation provided by an attorney.</p> <p>(2) PROHIBITIONS ON THE REGULATION OF REPRESENTATION. — An institution of higher education or intercollegiate athletic association may not regulate the legal, financial, or agency representation of college athletes and prospective college athletes with respect to the marketing of their names, images, likenesses, or athletic reputations, including the certification of such legal, financial, or agency representation.” Sec. 3(b)</p>	<p>(5) GRANTS-IN-AID. — “Receipt of compensation for the use of the name, image, likeness, or athletic reputation of a college athlete or prospective college athlete shall not adversely affect — (A) the eligibility or opportunity of a college athlete or prospective college athlete to apply for a grant-in-aid; or (B) the amount, duration, or renewal of the grant-in-aid of a college athlete or prospective college athlete.” Sec. 3(a)(5)</p>	<p>This bill prohibits colleges, universities, and athletic associations from preventing or prohibiting student athletes obtaining a “collective representative to facilitate group licensing agreements or provide representation for college athletes.” Sec. 3(a)(3)</p> <p>This bill addresses potential concerns around Title VII, Title IX, and other anti-discrimination laws by requiring that institutions or parties affiliated with institutions that provide support for NIL marketing “shall make such support accessible to all college athletes in the applicable athletic program, regardless of gender, race, or participating sport.” Sec. 3(a)(6)</p>
<p><a href="#">H.R. 850 - College Athlete Economic Freedom Act</a></p> <p>This bill was introduced by Representative Lori Trahan (D-MA) on February 4, 2021.</p>	<p>On February 4, 2021, the bill was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.</p>	<p>No explicit prohibition on student athletes entering into contracts that interfere with team contracts or explicit disclosure requirements.</p>	<p>“(b) RIGHT TO REPRESENTATION. — (1) ABILITY FOR COLLEGE ATHLETES TO RETAIN REPRESENTATION. — An institution of higher education or intercollegiate athletic association may not prevent a college athlete or prospective college athlete from fully participating in intercollegiate athletics based on the college athlete or prospective college athlete having obtained professional representation with respect to a contract or legal matter, including— (A) representation provided by an athlete agent or financial advisor; and (B) legal representation provided by an attorney.</p> <p>(2) PROHIBITIONS ON THE REGULATION OF REPRESENTATION. — An institution of higher education or intercollegiate athletic association may not regulate the legal, financial, or agency representation of college athletes and prospective college athletes with respect to the marketing of their names, images, likenesses, or athletic reputations, including the certification of such legal, financial, or agency representation.” Sec. 3(b)</p>	<p>(5) GRANTS-IN-AID. — “Receipt of compensation for the use of the name, image, likeness, or athletic reputation of a college athlete or prospective college athlete shall not adversely affect — (A) the eligibility or opportunity of a college athlete or prospective college athlete to apply for a grant-in-aid; or (B) the amount, duration, or renewal of the grant-in-aid of a college athlete or prospective college athlete.” Sec. 3(a)(5)</p>	<p>This bill prohibits colleges, universities, and athletic associations from preventing or prohibiting student athletes obtaining a “collective representative to facilitate group licensing agreements or provide representation for college athletes.” Sec. 3(a)(3)</p> <p>This bill addresses potential concerns around Title VII, Title IX, and other anti-discrimination laws by requiring that institutions or parties affiliated with institutions that provide support for NIL marketing “shall make such support accessible to all college athletes in the applicable athletic program, regardless of gender, race, or participating sport.” Sec. 3(a)(6)</p>

PROPOSED FEDERAL LEGISLATION (117TH CONGRESS)

FEDERAL BILL	STATUS	DISCLOSURE AND CONFLICT OF INTEREST	INSTITUTIONAL AND AGENT INVOLVEMENT IN ATHLETE NIL BUSINESS	ELIGIBILITY IMPLICATIONS	PROVISIONS RELATING TO EDUCATIONAL REQUIREMENTS, LABOR LAW, ANTI-DISCRIMINATION AND/OR OTHER AREAS
<p><a href="#">S. 414 - Amateur Athletes Protection and Compensation Act of 2021</a></p> <p>This bill was introduced by and is being sponsored by Senator Jerry Moran (R-KS) on February 4, 2021.</p>	<p>On February 24, 2021, the bill was read twice and referred to the Senate Committee on Commerce, Science, and Transportation.</p>	<p>“(4) DISCLOSURES. — (A) ENROLLED ATHLETES. — With respect to an amateur intercollegiate athlete enrolled in an institution of higher education who enters into an endorsement contract, <b>the amateur intercollegiate athlete shall, not later than 7 days after entering into the endorsement contract, provide to the institution of higher education a copy of the endorsement contract.</b> (B) RECRUITED ATHLETES. — With respect to an amateur intercollegiate athlete who is or may be recruited to attend, but not yet enrolled in, an institution of higher education and who enters into an endorsement contract, the amateur intercollegiate athlete shall, <b>before signing letter of intent, provide to the institution of higher education a copy of all current and expired endorsement contracts entered into by the amateur intercollegiate athlete.</b>” Sec. 4(b)(4) (A)-(B)  “(b) PURPOSES. — The purposes of the AIAC are as follows:  (7) To provide to amateur intercollegiate <b>athletes a process for the swift resolution of conflicts concerning agency contracts and endorsement contracts</b>, including by providing a <b>neutral arbitrator</b> for any case in which an amateur intercollegiate athlete is the complaining party.” Sec. 8(b)(7)</p>	<p>“SEC. 4. PROTECTIONS FOR AMATEUR INTERCOLLEGIATE ATHLETES.  (a) REPRESENTATION CONTRACTS. — A national amateur athletic association or an institution of higher education <b>may not punish or prohibit the participation of an amateur intercollegiate athlete</b> in an amateur intercollegiate athletic event or amateur intercollegiate athletic competition <b>based on the amateur intercollegiate athlete having entered into an agency contract with an amateur athlete representative</b> who has been certified by the AIAC in accordance with section 8(b)(4).” Sec. 4(a)</p>	<p>“(f) LIMITATION ON TRANSFER PENALTIES. — An amateur intercollegiate athletics association shall allow an amateur intercollegiate athlete in any sport to transfer from one institution of higher education to another not less than once without losing or delaying eligibility for intercollegiate athletics if—  (1) not less than 7 days before transferring, the amateur intercollegiate athlete provides to his or her athletic director notice of intent to transfer; and  (2) the transfer does not occur during—  (A) the season of the sport of the amateur intercollegiate athlete; or  (B) the 60-day period before the commencement of such season.” Sec. 4(f)  “(d) PROFESSIONAL SPORTS DRAFTS. — A national amateur athletic association or an institution of higher education may not prohibit the participation of an amateur intercollegiate athlete in an amateur intercollegiate athletic event based on the amateur intercollegiate athlete having entered into a professional sports draft, if the amateur intercollegiate athlete—  (1) does not receive compensation, directly or indirectly, from—  (A) a professional sports league;  (B) a professional sports team; or  (C) a sports agent;  (D) an amateur athlete representative; or with  (E) any individual or entity affiliated with an individual or entity described in any of subparagraphs (A) through (D); and  (2) not later than 7 days after the completion of the draft, declares his or her intent to resume participation in amateur intercollegiate athletics.” Section 4(d)</p>	<p>“SEC. 5. EMPLOYMENT MATTERS.  Notwithstanding any other provision of Federal or State law, <b>an amateur intercollegiate athlete shall not be considered an employee of an institution of higher education, a conference, or a national amateur athletic association</b> based on the amateur intercollegiate athlete’s participation in amateur intercollegiate athletic events or amateur intercollegiate athletic competitions.” Sec. 5  “SEC. 6. TRANSPARENCY. (a) DISCLOSURES. — (1) IN GENERAL. — An institution of higher education shall make the <b>following legally binding disclosures to each amateur intercollegiate athlete before he or she commits</b> to enroll in or attend the institution of higher education:  (A) The <b>amount and duration of grant-in aid the institution of higher education will provide</b> to the amateur intercollegiate athlete, relative to the most recent cost of attendance, <b>for each academic school year and each summer session.</b>  (B) The <b>amount and duration of grant-in aid the institution of higher education will provide</b> to assist the amateur intercollegiate athlete with undergraduate degree completion and graduate degree completion <b>following the expiration of the intercollegiate athletics eligibility</b> of the amateur intercollegiate athlete.  (C) The <b>percentage of comprehensive medical coverage required, including any required coverage to participate in intercollegiate athletics or to enroll as a student, that will be paid by the institution of higher education</b> during the period of intercollegiate athletics eligibility of the amateur intercollegiate athlete.  (D) The <b>percentage of any out-of-pocket sports-related medical expenses</b> including deductibles, copays, and coinsurance, <b>that the institution of higher education will pay during the period of intercollegiate athletics eligibility of the amateur intercollegiate athlete</b>, and the period for which such expenses will be covered after such eligibility expires. Differences between in-network and out-of-network expenses shall be stated.  (E) <b>Whether or not the institution of higher education will pay for a disability</b> insurance policy to cover the maximum available future loss of earnings benefit based on market rates of similarly situated amateur intercollegiate athletes.” Sec. 6</p>

ATHLETIC ASSOCIATION RULES

ASSOCIATION	STATUS	DISCLOSURE AND CONFLICT OF INTEREST	INSTITUTIONAL AND AGENT INVOLVEMENT IN ATHLETE NIL BUSINESS	ELIGIBILITY IMPLICATIONS
<p><b>NCAA - Division 1 PROPOSAL</b></p>	<p>The NCAA D-1 Council approved the proposal on October 30, 2020. An official vote on these rules was set for January 2021 but has since been indefinitely delayed.</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. <b>A student-athlete shall disclose</b> 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). <b>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.</b>” 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 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>“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.  <u>Limitation on Marketing Athletics Ability or Reputation.</u> 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.  <u>Institutional Employees or Independent Contractors.</u> 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.  <u>Fees and Payment Arrangements for Services.</u> 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.  <u>Institutional Involvement.</u> An institution may provide information and education related to name, image and likeness activities and may assist a student-athlete with evaluating 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>“An individual <b>shall be ineligible</b> 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 <b>secure an opportunity as professional athlete</b>. 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

ASSOCIATION	STATUS	DISCLOSURE AND CONFLICT OF INTEREST	INSTITUTIONAL AND AGENT INVOLVEMENT IN ATHLETE NIL BUSINESS	ELIGIBILITY IMPLICATIONS
<p><b>NAIA ADOPTED</b></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 <b>must report it in writing to his or her athletics director when such promotion incudes reference to his or her status as a student-athlete or institution.</b>                      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>