



The Drake Group, INC.

ACADEMIC INTEGRITY IN COLLEGIATE SPORT

State-by-State NILS Executive Summary Updated 7/7/21

Questions: Contact Julie Sommer - jsommer@jsommerlaw.com, member, Board of Directors

Since California's signing of the Fair Pay to Play Act September 30, 2019, many more states have raced to follow suit proposing and passing similar legislation to give college athletes the ability to profit from their name, image and likeness (NIL) and sign with agents. The challenges of the COVID 19 pandemic caused almost all state legislatures to conduct abbreviated sessions in 2020 and many proposed 2020 NIL bills failed to pass. A total of **27 states have enacted bills into law** (Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas). **Missouri passed a bill and is still awaiting governors' signature. 7 other states have introduced 2021 bills**, some states with multiple bills introduced. The trend among the states reveals that not only are more states introducing bills that have swiftly moved through committee, but also indicate a willingness among states to enact earlier effective dates. **California's** leadoff bill responded by moving their original effective date of January 1, 2023 to September 1, 2021. As indicated below, **12 states now have effective laws as of July 1, 2021, plus Pennsylvania which took effect June 30, 2021 and North Carolina which took effect July 2, 2021.**

The conflict of state and uniform law efforts with new and existing NCAA policy regarding NIL, amateurism and athlete benefits remains an issue. As many state sessions look toward adjournment, many have taken on a new urgency to pass an NIL law absent any Congressional Act with the desire to provide similar benefits other states have already enacted.

Our updated database includes states' regular session calendar information to help inform the progress of pending legislation (with links to bills and laws). Among the bills introduced in 2021, many include early effective dates:

Effective 6/30/21:

- **Pennsylvania law** ([SB 381](#) signed into law 6/30/21, effective immediately; [HB 632](#) originally effective 60 days after enactment)

Effective 7/1/21:

- **Alabama law**
- **Connecticut law** (effective 7/1/21; each institution shall adopt its policies to carry out no later than 9/1/21)
- **Florida law**
- **Georgia law**
- **Illinois law** (effective latter of signing or 7/1/21)
- Iowa **SF 245**, **SF 386**, **HF 671** (effective immediately); **did not pass**, session adjourned 5/14/21
- **Kentucky law** (by executive order signed 6/24/21)
- **Louisiana law** (**SB 60** effective date changed from 7/1/21 to **immediately upon signature**; set for July 1 effective w/o signature) **signed 7/1/21**
- **Mississippi law**
- **New Mexico law**
- **Ohio law** (by executive order signed 6/28/21)
- **Oregon law** (Sec 5: Secs 1-4 apply to contracts entered into or renewed on or after 7/1/21; Sec 6 declares emergency, effective immediately)
- **Texas law**

Other early effective dates:

- **Arizona law** (passed 3/26/21); effective date defers to NCAA rule changes
- **California law** (moved original effective date of 1/1/23 to 9/1/21)
- Missouri **HB 297** and **Amendment to HB 320** voted “Do Pass (S)” 5/13/21 (effective 8/28/21) HB 297 **sent to Gov desk 5/25/21**
- **Nebraska law** (**immediately effective**, early discretion; each institution shall determine a date on or before 7/1/23)
- New York **S5891**, **S4771** (**effective immediately upon passage**) Session adjourned 6/10, did not pass
- **North Carolina law** (effective immediately) **Executive Order No. 223** signed by Gov Cooper 7/2/21
- **Oklahoma law** (**immediately effective**, early discretion; each institution shall determine a date on or before 7/1/23)

Many of the bills’ provisions indicate a willingness to provide additional benefits and funds seemingly to achieve a competitive recruiting advantage whereby states are saying to athletes: “come here and you can have NIL rights now” in addition to other benefits. Much of the legislation is more favorable and less restrictive to athletes.

The most common provisions in most bills include: 1) a college athlete’s NIL rights cannot be restricted by institutions; 2) college athletes can obtain professional representation; 3) a college athlete’s contract terms may not conflict with the institution’s contracts or team

rules; 4) an institution may not provide to a prospective or current college athlete NIL compensation.

More “outlier” bills have included more aggressive provisions in terms of the nature of compensation provided for college athletes and how athlete compensation is treated. Prior bills such as **South Carolina’s** previous **2020** HB 4031 created a pay-for-play scenario in the form of trust funds and stipends payable to athletes only for revenue sports under which most women athletes wouldn’t qualify. Other bills have provided for annuity funds for college athletes.

North Carolina Governor Roy Cooper signed an [executive order](#) on 7/2/21 establishing rules for college athletes to be compensated for their NILs. The 3-page order acts as a guideline for institutions to consult as they formalize their own NIL policies.

Georgia’s [NIL law](#) creates a [permissive](#) provision for institutions to provide for a pooling arrangement whereby athletes who receive NIL compensation agree to contribute a portion of their NIL compensation to such fund for the benefit of previously enrolled student athletes in the same institution. The amount would not be greater than 75 percent of the compensation received and institutions would be required to hold the funds in an escrow account to be distributed upon graduation (or withdrawal for at least 12 months) on a pro rata basis for the number of months the individual was a student athlete.

Maryland’s law ([SB 0439](#); companion bill [HB 125](#)) aka “The Jordan McNair Safe and Fair Play Act,” is two-pronged as it consists of health and safety measures for student athletes as well as NIL components. The bill was signed into law by Governor Larry Hogan on 5/18/21. In honor of Jordan McNair, who died from heatstroke during a football workout, Maryland’s law declares that “meeting the educational needs of student athletes should be the priority for intercollegiate athletic programs in the state,” and mandates guidelines “providing adequate health and safety protections for student athletes” to help “prevent serious injury and death.” These portions of the law are effective 7/1/21, with a report by the University System of Maryland Intercollegiate Athletics Workgroup due to the Maryland General Assembly by 10/1/21. The NIL portions of the Maryland law are effective 7/1/23.

Iowa adjourned its legislative session on 5/19/21 without passage of NIL legislation. Iowa’s previously pending bills [SF 245](#), [SF 386](#), [HF 671](#) allowed for receiving food, shelter, insurance coverage, or receiving payment for the cost of food, shelter, insurance coverage or medical care as part of NIL compensation rights in addition to earning third-party NIL compensation. Neither of **New York’s** [S4771](#) nor [S5891](#) were passed prior to New York’s session adjournment on 6/10/21.

As we near the end of many state legislative sessions, some legislators are steering various NIL bills with late-session maneuvers to amend or replace an existing bill in an effort to pass NIL legislation prior to adjournment. **Illinois’** [SB2516](#) with an effective date of 1/1/24 remained in “assignments” (where all bills start) without a hearing since February 26. An unrelated pending Illinois student truancy bill — which already made its way through several legislative “hoops” — was amended to an NIL bill as [Amendment to SB 2338](#). Of significance,

[Amendment to SB 2338](#) changed Illinois' NIL effective date from 1/1/24 ([SB2516](#)) to 7/1/21 (or the latter of signing). SB 2338 passed both houses 6/1/21. The Illinois legislation, which includes former college football player Rep. Kam Buckner as a sponsor, was recognized as a Public Act on 6/28/21.

The approaching conclusion of legislative sessions has also prompted legislators to move NIL bills swiftly through their respective chambers. **Missouri**, **Nevada**, and **Oklahoma** all sent NIL bills to their state governors' desks on Tuesday, May 25. Though its session has adjourned, **Missouri's** [HB 297](#) (effective 8/28/21) still awaits Governor Michael Parson's signature. The NIL component was added to a bill that removes the cap on tuition increases for institutions of higher education in the state. **Nevada's** [AB 254](#) (effective 1/1/22) was first introduced 3/12/21, passed 5/20/21, and was then enrolled and delivered to Governor Steve Sisolak 5/25/21 who signed it into law on 5/19/21. **Oklahoma** [SB 48](#), previously effective 1/1/22, amended their bill to a similar effective date as **Nebraska** — immediately effective with each institution determining a date on or before 7/1/23. As indicated on their [legislative site](#), Oklahoma's bill was approved by Governor Stitt on 5/28/21 and signed into law on 5/29/21. Oklahoma's NIL law requires student athletes to notify schools when they have hired an agent.

Louisiana's engrossed Senate bill [SB 60](#) propelled in the Senate and removed the effective date of 7/1/21 to "effective upon signature of the governor." The bill passed both chambers and was delivered on 6/11/21 to Governor John Bel Edwards after session adjourned 6/10/21. While SB 60 still awaits Governor John Bel Edwards' signature, the bill provides "This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana." Pursuant to this section, it should become law by the 20th day after delivery on July 1 even absent the Governor's signature. Governor Edwards signed SB 60 into law on 7/1/21.

Ohio is the second state (after Kentucky) to enact an NIL law by executive order. Ohio's bill began as [SB187](#) then became part of [HB29](#) after a trans athlete ban amendment was added to SB187. While the original, as introduced [SB187](#) required students' disclosure of any verbal or written NIL contract at least 15 days prior to the date the student intends to enter into the proposed contract, that requirement was later removed from both versions of the NIL bill. The bill was signed into law by executive order by Governor DeWine on 6/28/21. The Ohio NIL bill allows institutions and athletic associations to prohibit college athletes from entering into contracts associated with certain types of products including controlled substances, marijuana products (including medical marijuana), alcohol, vaping products, adult entertainment, gambling, or any other type of category or brand an institution deems similar.

Texas' SB 1385 passed both chambers on 5/24/21 and was sent to Governor Greg Abbott's desk on 6/1/21. Originally penned to go into effect 1/1/22, the effective date was then changed to 9/1/21, but a newly passed [amendment](#) changed the effective date once again to 7/1/21. While SB 1385 establishes requirements for a financial literacy and life skills workshop for student athletes, Texas' amendment would allow schools to prohibit athletes from signing

with agents who are not licensed to practice law in the state of Texas. The bill was signed into law by Governor Abbott on 6/14/21.

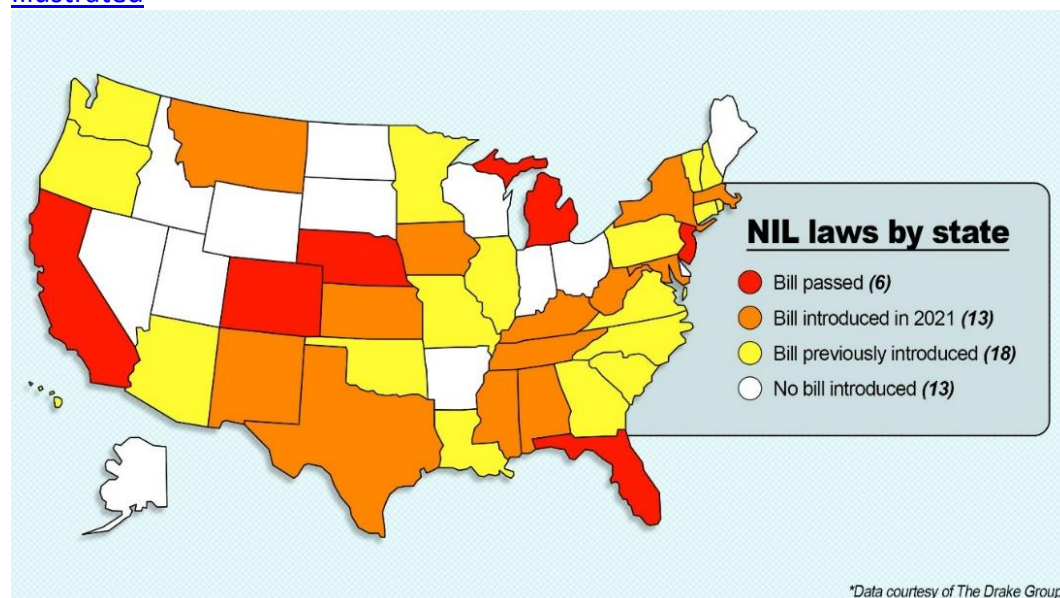
Connecticut introduced a 2021 NILs Amendment as Section 14 to [HB 6402](#). The NILs Amendment is effective 7/1/21 and each institution shall adopt its policies to carry out the provisions no later than 9/1/21. [HB 6402](#) passed the House on 6/1/21 and Senate on 6/8/21. Connecticut's NIL bill became law, recognized as a Public Act, after 15 days passed since the Senate's approval. Schools will have until 9/1/21 to adopt an NIL policy.

Kentucky Governor Andy Beshear signed an executive order on 6/24/21 making [SB 249](#) law. The NIL legislation will go into effect 7/1/21. **Oregon's** [SB 5](#) was signed into law by Governor Brown on 6/29/21. The substantive NIL sections of the law apply to contracts entered into or renewed on or after 7/1/21 while the law is effective immediately. **Pennsylvania's** NIL legislation was included in the state's budget package Governor Wolf signed on 6/30/21 and takes effect immediately. The NILs section — Article XX-K of [SB 381](#) — states a college athlete can profit for the use of their NIL and that the payment shall be commensurate with market value. It also requires anyone who sell jerseys, video games and trading cards make a royalty payment to an athlete for the use of their NIL.

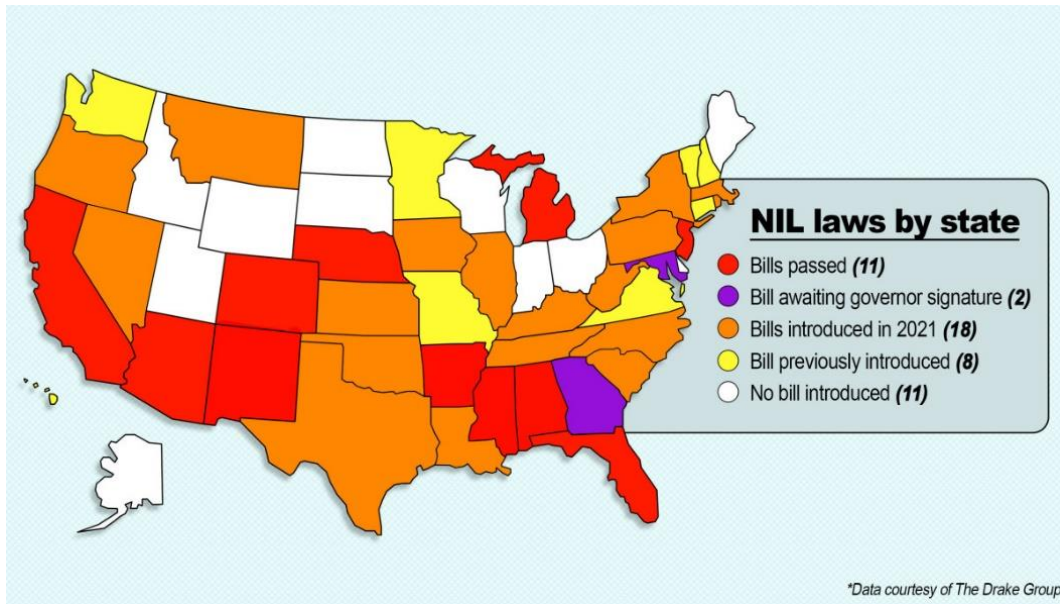
With a unanimous 9-0 United States Supreme Court decision in favor of college athletes in the relevant case *NCAA v. Alston*, (with other United States District Courts staying related NCAA NILs/antitrust cases), the NCAA has been forced by both the courts and the various state jurisdictions to change its long-held policies on athlete compensation issues and amateurism rules. This further shows the urgent need for a national solution to a national issue.

NILs progression in 2021 sessions: (graphs from *Sports Illustrated*)

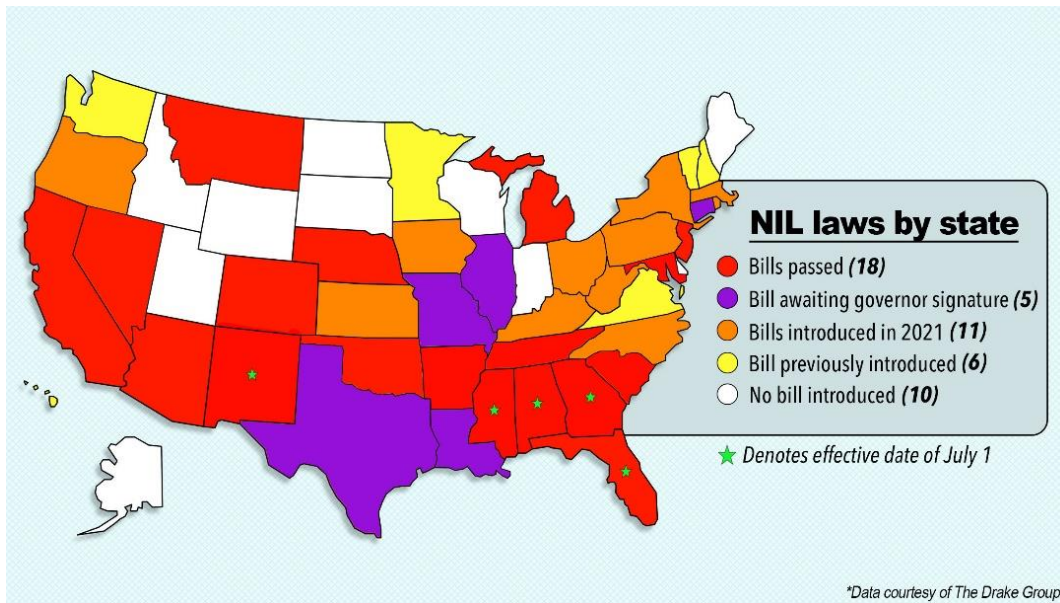
Sports Illustrated [3/4/21](#): [NCAA athletes' rights, recruiting at heart of states' NIL race - Sports Illustrated](#)



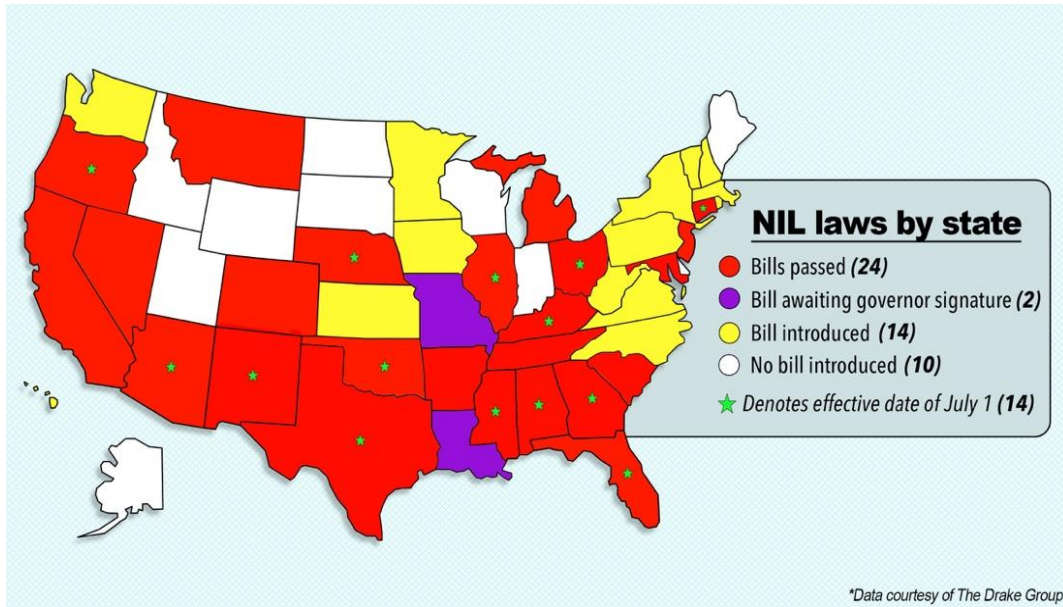
Sports Illustrated **4/22/21**: [NCAA athletes and the hidden industry of name, image, likeness - Sports Illustrated](#)



Sports Illustrated **6/9/21**: [NCAA NIL hearing clarifies potential solution for law's biggest hurdle - Sports Illustrated](#)



Sports Illustrated [@RossDellenger](#) 6/29/21:



THE DRAKE GROUP (contact Julie Sommer - jsommer@jsommerlaw.com)

STATE LEGISLATION RELATED TO COLLEGE ATHLETE NIL/OUTSIDE EMPLOYMENT COMPENSATION (updated as of 7/7/21)

State	Bill (Link)/Effective Date	Prohibition Provisions (including scholarship & particip. elig. provisions)	College Athlete NIL Contract Disclosure Provision	Instit. Team Contract Disclosure and Conflict Provisions	Can school, conf. or NCAA provide \$ to athlete for NIL (other than ath. schol.)	Agent provisions	Other Provisions	Session Info
<p>ALABAMA LAW (HB 404 signed by Gov; 4 2021 bills)</p>	<p>2021 Bills: HB404 signed by Gov 4/15/21 (effective 7/1/21) (linked here); HB150 (effective 1/1/2023; HBCU provision immediately effective); HB328 (effective 1/1/2023; HBCU provision immediately effective); and SB230 (effective on the first day of the thir</p>	<p>No rules can prohibit athlete from earning NIL compensation</p>	<p>To institution-designated employee</p>	<p>Institution asserting a conflict shall promptly disclose only provisions of contract relevant to contractual provisions in conflict; (f) A team contract shall not prevent a student athlete from using the athlete's name, image, or likeness for a commercial purpose when the athlete is not engaged in official team activities. Also prohibits a student athlete from entering into any contract providing NIL compensation if a provision of the contract is in conflict with a provision of the athlete's team contract</p>	<p>Expressly prohibited for prospective student-athletes only</p>	<p>No prohibition from retaining prof. representation; This bill would also require professional representation obtained by a student athlete to be from persons licensed by the state</p>	<p>HB150 (linked here; click twice): Require that each institution fund an annuity for each student athlete who declares that he or she will not receive compensation for use of his or her name, image, or likeness and will not seek or retain professional or legal representation relating to the student athlete's participation in intercollegiate sports, and would allow each student athlete to amend or renew his or her declaration under certain conditions; No later than 45 days following the beginning of each academic year, each institution shall deposit up to ten thousand dollars (\$10,000) into the annuity fund; also require each postsecondary educational institution to conduct a financial literacy and life skills workshop for each student athlete at the beginning of each student athlete's first and third years; Uphold a team contract that prevents a student athlete from using the athlete's name, image, or likeness for a commercial purpose when the athlete is not engaged in official team activities or limits the compensation earned by a student athlete. Shall apply only to contracts entered into, modified, or renewed on or after January 1, 2023. Section 5: bill would also create the Historically Black Colleges and Universities Working Group to make recommendations about the receipt of compensation by a student athlete at an HBCU for use of his or her name, image, and likeness. Section 5 of this act shall become effective immediately</p>	

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ALABAMA 2020	2020: HB82; Effective 1/1/2023	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Institution asserting a conflict shall promptly disclose only provisions of contract relevant to contractual provisions in conflict; (f) A team contract shall not prevent a student athlete from using the athlete's name, image, or likeness for a commercial purpose when the athlete is not engaged in official team activities. Also prohibits a student athlete from entering into any contract providing NIL compensation if a provision of the contract is in conflict with a provision of the athlete's team contract	Expressly prohibited for prospective student-athletes only	No prohibition from retaining prof. representation; This bill would also require professional representation obtained by a student athlete to be from persons licensed by the state	Require each institution to create an athlete injury and wage fund . The fund would be funded by 15 percent of the revenue from all athletic event ticket sales, and divided into an athlete injury health savings account and an athlete wage account (shall equally split each deposit into the fund between the two accounts). The athlete injury health savings account would be used to provide a player who suffers a career ending or long term injury during a game or team practice with compensation upon his or her graduation. The amount of compensation shall be determined by the Department of Education. The qualifying injury shall be verified by an independent health care provider not affiliated with the postsecondary institution. The wage account would be divided equally among all student-athletes in attendance at the institution at the end of each academic year	
ARIZONA LAW	PASSED 3/26/21; SB 1296: Effective date defers to NCAA rule changes; notes NIL comp and prohibitions on denial of scholarship or eligibility for same will be "to the extent allowed by the rules established by the relevant national association for promoting or regulating collegiate athletics." (defers to NCAA rules).	Student athletes entitled to earn compensation for their NIL to the extent allowed by the rules established by the relevant national association for promoting or regulating collegiate athletics	No provision	No provision	No provision	An athlete agent 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 shall comply with Chapter 13, Article 10 of this title	A student athlete 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 based on earning compensation for use of that student's NILs in a maner and to the extent allowed by the rules established by the revelant national association for promoting or regulating collegiate athletics	

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ARIZONA 2020	2020: HB 2143; Effective 8/31/21	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Only provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation; must be licensed by state; must comply w/ Fed Sports Agent Respon. & Trust Act	H. A public or private university or college of <u>another state</u> may not offer a student of this state an athletics contract or conduct in-person recruiting with a student athlete without first disclosing to the student athlete in writing all prohibitions of the university's or college's home state regarding the use of the student-athlete's name, image or likeness.	
<u>ARKANSAS LAW</u>	PASSED 4/21/21; HB 1671; Effective 1/1/22	No rules can prohibit athlete from earning NIL compensation, "except as prohibited in this subchapter, a student-athlete may enter into a contract and receive compensation for the commercial use of the student-athlete's publicity rights"	To institution-designated official	"A contract in violation of this subchapter is void and unenforceable."	Expressly prohibited for prospective student-athletes only	No prohibition from retaining prof. representation; must be licensed by state		
<u>CALIFORNIA LAW</u>	PASSED 9/30/19; SB 206; Effective 9/1/2021	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation; must be licensed by state; must comply w/ Fed Sports Agent Respon. & Trust Act	Community college study group appointed (does not apply to Community Colleges yet)	

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<u>COLORADO LAW</u>	PASSED 3/20/20; SB 20-123; Effective 1/1/23	"Except as may be required by the rules or requirements of an athletic association of which an institution is a member" a school shall not uphold any rule that prevents an athlete from earning compensation from the use of their name, image or likeness. Part 3.23-16-301.2(a)	To athletic director within 72 hrs after entered or before next scheduled athletic event to participate (whichever occurs first)	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only.	Neither an institution nor an athletic association shall provide compensation to a current or prospective student athlete	No prohibition from retaining prof. representation; any person providing legal representation to a student athlete must be a licensed attorney.	Bill Summary: Any commission of an act prohibited by the bill is an unfair trade practice for the purpose of enforcement of the "Colorado Consumer Protection Act", except that the commission of a prohibited act by a student athlete is not an unfair trade practice. Also Part 3 (6) Provides for injunctive relief for student upon violation of compensation rules of Part 3. Section 3 outlines Athlete Agent Interview scheduling rules as set out in Colorado Revised Statutes.	
<u>CONNECTICUT LAW</u>	PUBLIC ACT: Amendment to HB 6402; Effective 7/1/21	No rules can prohibit athlete from earning NIL compensation	Requiring a student athlete to disclose and submit a copy to his or her institution of higher education of each endorsement contract, written agreement for employment and representation agreement executed by the student athlete	prohibiting a student athlete from entering into an agreement that conflicts with the provisions of any agreement to which the institution of higher education is a party, provided such institution shall disclose to the student athlete or the student athlete's attorney or sports agent the provisions of the agreement that are in conflict	Not expressly prohibited for current student-athletes and no mention of prospective student-athletes.	A duly licensed person who negotiates or solicits a contract on behalf of a student athlete in accordance with the Sports Agent Responsibility and Trust Act, 15 USC 7801, et seq., as amended from time to time	On or after September 1, 2021, or the date on which an institution of higher education in the state adopts or updates its policy in accordance with subdivision (3) of subsection (f) of this section, whichever is earlier, any student athlete who is enrolled at such institution of higher education may earn compensation through an endorsement contract or employment in an activity that is unrelated to any intercollegiate athletic program and obtain the legal or professional representation of an attorney or sports agent through a written agreement, provided such student athlete complies with the policy or policies adopted by his or her institution of higher education regarding student athlete endorsement contracts and employment activities	Adjourned 6/9/21

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CONNECTICUT 2020	2020: SB 306: Effective 7/1/23	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Institution shall disclose to the student athlete or the student athlete's attorney or sports agent the provisions of the agreement that are in conflict, shall not use or consent to the use of any institutional marks during such student athlete's performance of the endorsement contract or employment activity, (5) does not engage in or promote obscene, illegal or unethical behavior as a part of such student athlete's performance of the endorsement contract or employment activity, and (6) does not interfere in the activities of the intercollegiate athletic program or the institution of higher education during such student athlete's performance of the endorsement contract or employment activity.	Not expressly prohibited for current student-athletes and no mention of prospective student-athletes. Only states: Sec 1 (c) No provision of subsection (b) of this section shall be construed to (1) require an institution of higher education or the NCAA to compensate a student athlete for use of his or her name, image or likeness,...	No prohibition from retaining prof. representation; Bill only states "duly licensed attorney or sports agent" (no specific requirement). Athlete must disclose and submit a copy of any endorsement contract or written agreement for employment or representation executed by such student athlete to an employee of the intercollegiate athletic program designated by the institution of higher education	Includes clauses: "provided student athlete...does not earn compensation that exceeds fair market value, which fair market value shall be determined at the sole discretion of the institution of higher education or the NCAA." (Sec 1 (b)(2); and: no institution of higher education shall disclose any record of the compensation received by a student athlete from an endorsement contract or employment activity entered into or engaged in pursuant to subsection (b) of this section unless the institution receives the written consent of the student athlete for each disclosure.	
FLORIDA LAW	PASSED: Signed into law 6/12/2020 by Gov DeSantis. Effective 7/1/2021.	No rules can prohibit athlete from earning NIL compensation	Shall disclose to institution in manner designated by institution	An athlete may not enter into a contract for compensation for NIL if a term of the contract materially conflicts with a term of the intercollegiate athlete's team contract. An institution asserting a conflict must disclose each relevant contract term that conflicts with the team contract to the intercollegiate athlete or her or his representative.	Expressly prohibited for BOTH current and prospective student-athletes	No prohibition from retaining prof. representation; agent must be licensed by state; must comply w/ Fed Sports Agent Respon. & Trust Act; Attorney representing athlete for securing NIL compensation must be member of Florida Bar.	NOTE: Dropped from final bill but to be addressed in future: **Insurance and Disability: Sec 3. Institution must maintain health and insurance requirements (can be athlete covered by family member insurance or institution provides or participate in program). Good detail on institutional coverage information in Sec 3. Also requires financial literacy and life skills workshop; Sec 2 (f): An intercollegiate athlete under the age of 18 years must have any contract for compensation for her or his name, image, likeness, or persona approved under ss. 743.08 and 743.09. (Disability of Nonage of Minors Removed) ((There were three bills (HB 251, Effective 7/1/2020; SB 582 and SB 646 Effective date 7/1/2021) SB 646 passed both houses and sent to Gov DeSantis to sign))	

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<u>GEORGIA LAW</u>	PASSED: HB 617 signed into law 5/6/21 by Gov Kemp (effective 7/1/21)	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	Institution asserting a conflict shall disclose to the student athlete or the student athlete's professional representation, if any, the relevant contractual provisions that are in conflict; Team contract shall not prevent a student athlete from using NIL	Expressly prohibited for BOTH current and prospective student-athletes	No prohibition from retaining prof. representation, must be certified as under Chapter 4A of Title 43 or licensed to practice law in state, must comply with the Sports Agent Responsibility and Trust Act	Team contracts may provide for a pooling arrangement whereby athletes who receive NIL compensation agree to contribute a portion of the compensation they receive pursuant to such contract to a fund for the benefit of previously enrolled student athletes in the same institution, provided pooling arrangement meets the following conditions: (i) Student athletes shall not be required to contribute an amount equal to more than 75 percent of the compensation received; Each institution shall establish only for the purposes an escrow account in any bank or lending institution subject to regulation by this state only; (iii) All contributions from NIL compensation shall be deposited in such escrow account by the athletic director of the postsecondary educational institution, or his or her designee; (iv) Upon graduation or withdrawal for at least 12 months from institution, individuals who were student athletes prior to such graduation or withdrawal, shall be eligible to receive a pro rata share of the pooled contributions based on the number of months the individual was a student athlete.	
GEORGIA 2020	2020: HB 743: Effective 1/1/23	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Institution asserting conflict must disclose to the athlete or his or her representative the relevant provisions of the team contract asserted to be in conflict; No conflict w/ instit. team contract for official team activities only	No requirement or authorization by article for institution to compensate an athlete for participation in athletics or NIL; NIL compensation expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation; This bill would also require professional representation obtained by a student athlete to be from persons registered with the state	Revenue Share: HB8: Each postsecondary educational institution for which an athletic team represents such postsecondary educational institution in an intercollegiate postseason athletic contest shall deposit into an escrow account dedicated for such purpose an amount equal to 33 percent of all revenue received by the postsecondary educational institution, from all sources, for being invited or allowed to participate in, for participating in, or for winning any intercollegiate postseason athletic contest. Such deposits shall be not be calculated or made sooner than 45 days or later than 90 days after the date of each intercollegiate postseason athletic contest. (b) Upon graduation from a postsecondary educational institution, each student athlete shall be paid from the escrow account provided for in subsection (a) of this Code section his or her pro rata share (https://www.legis.ga.gov/legislation/58793); requires collegiate athletes to take five hours of a financial	

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STATE LEGISLATION RELATED TO COLLEGE ATHLETE NIL/OUTSIDE EMPLOYMENT COMPENSATION (updated as of 7/7/21)

State	Bill (Link)/Effective Date	Prohibition Provisions (including scholarship & particip. elig. provisions)	College Athlete NIL Contract Disclosure Provision	Instit. Team Contract Disclosure and Conflict Provisions	Can school, conf. or NCAA provide \$ to athlete for NIL (other than ath. schol.)	Agent provisions	Other Provisions	Session Info
HAWAII 2020	2020: HB 1682; Effective 1/1/21	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Institution asserting a conflict...shall disclose the relevant contractual provisions in conflict to the athlete or the athlete's professional representative; Team contract cannot prohibit athlete from earning NIL compensation while athlete not engaged in official team activity.	Expressly prohibited for current student-athletes. No mention of prospective student-athlete	No prohibition from retaining agent, must be licensed by state; must comply w/ Uniform Athlete Agents Act (HI Code at 481E); All legal rep related to a NIL contract must be by state licensed attorney	Any decision by a postsecondary educational institution, athletic association, conference, or other group or organization having authority over intercollegiate athletics to reduce, revoke, or otherwise amend a student-athlete's athletic scholarship shall not consider whether the student-athlete earned compensation from the use of the student-athlete's name, image, or likeness or whether the student-athlete obtained professional or legal representation	
<u>ILLINOIS LAW</u>	PUBLIC ACT SB 2338; Effective 7/1/21	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	An institution asserting a conflict described in subsection (a) shall disclose to the student athlete or the athlete's legal representation the relevant contractual provision that is in conflict	Expressly prohibited for prospective student-athletes. No mention of current student-athlete	No prohibition from retaining prof. representation; must comply w/ Fed Sports Agent Respon. & Trust Act		
ILLINOIS 2019	2019: HB 3904, Effective Jan 1, 2023; HB3898, Effective when passed	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Only provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. Team contract for official team activities only; Team contract shall not prevent a student athlete from using NIL for a commercial purpose when the athlete is not engaged in official team activities.	Expressly prohibited for prospective student-athletes. No mention of current student-athlete	No prohibition from retaining prof. representation; must be licensed by state; must comply w/ Fed Sports Agent Respon. & Trust Act	HB 3904, Effective 1/1/23; HB3898, Effective when passed. Both 2019 bills died in committee.	

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IOWA 2021	SF 245: Effective upon enactment and applies to any agreement or contract on or after the earlier of July 1, 2021; the effective date of any substantially similar state or federal law; or the effective date of an athletic association or athletic conference rule. SF 386 and HF 671 same effective dates as SF 245.	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee; athlete shall disclose the full contract to the official of the institution; the institution and designated official shall not disclose to any other person the terms of such contract that the college athlete or the college athlete's legal representative deems to be a trade secret or otherwise confidential.	Institution asserting conflict shall disclose to the college athlete and the athlete's legal representative, if applicable, the full contract asserted to be in conflict. The college athlete and the athlete's legal representative, if applicable, shall not disclose to any other person the terms of an institution's contract that the institution deems to be a trade secret or otherwise confidential; No conflict w/ instit. team contract for official team activities only	No provision	No prohibition from retaining prof. agent representation. Professional rep. provided to athletes by athlete agents, financial advisors, or attorneys shall only be provided by persons licensed in state of Iowa. A person shall not provide professional representation to college athlete without prior certification by state treasurer.	<p>Sec 6: The terms of a team contract shall not prevent a college athlete from receiving compensation for using the athlete's NIL rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official, mandatory team activities if such activities are recorded in writing and made publicly available. Such team activities shall not exceed twenty hours per week during the athletic season and eight hours per week during the off-season. Sec 8: A legal settlement (arising from claim) shall not permit noncompliance with this chapter. Iowa currently pending bills SF 245, SF 386, HF 671 allow for receiving food, shelter, or insurance coverage, or receiving payment for the cost of food, shelter, insurance coverage, or medical care as a result of use of the athlete's name, image, or likeness rights, or athletic reputation in addition to earning third-party NIL compensation.</p>	Adjourned 5/14/21

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IOWA 2020	2020: SF 2058; Effective 1/1/23	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee; athlete shall disclose the full contract to the official of the institution; the institution and designated official shall not disclose to any other person the terms of such contract that the college athlete or the college athlete's legal representative deems to be a trade secret or otherwise confidential.	Institution asserting conflict shall disclose to the college athlete and the athlete's legal representative, if applicable, the full contract asserted to be in conflict. The college athlete and the athlete's legal representative, if applicable, shall not disclose to any other person the terms of an institution's contract that the institution deems to be a trade secret or otherwise confidential; No conflict w/ instit. team contract for official team activities only	No provision	No prohibition from retaining prof. agent representation. Professional rep. provided to athletes by athlete agents, financial advisors, or attorneys shall only be provided by persons licensed in state of Iowa. A person shall not provide professional representation to college athlete without prior certification by state treasurer.	Sec 6: The terms of a team contract shall not prevent a college athlete from receiving compensation for using the athlete's NIL rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official, mandatory team activities if such activities are recorded in writing and made publicly available. Such team activities shall not exceed twenty hours per week during the athletic season and eight hours per week during the off-season. Sec 8: A legal settlement (arising from claim) shall not permit noncompliance with this chapter.	
KANSAS 2021	HB 2264; Effective 1/1/22	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Institution asserting conflict shall disclose to the athlete and the athlete's professional representative the full contract the institution asserts is in conflict and shall designate the relevant contractual provisions asserted to be in conflict; Institution shall not enter into a contract that prevents athlete from receiving compensation for NIL when the student athlete is not engaged in official team activities.	Expressly prohibited for both prospective and current student-athletes	No prohibition from retaining prof. representation; Requires professional representation obtained by athlete to be from persons licensed by the state or hold certificates of registration and comply with both Uniform Athlete Agents Act and Fed Sports Agent Respon. & Trust Act	<u>Kept:</u> Unique provision on what athlete deems granted to institution: Sec. 4. (a) A student athlete shall be deemed to have granted the student's postsecondary educational institution the right, royalty-free and without compensation in return therefor, to use the student athlete's name, image, likeness rights or athletic reputation and any alterations thereto, to the extent and in the form determined in the institution's sole discretion, at any time for its advertising and marketing related to the postsecondary educational institution's athletic, academic, promotional and historical interests. Any contractual provision in a contract between a student athlete and a third-party sponsor or athlete agent in conflict with this provision is null and void. Sec 5 (b) A legal settlement arising under this act shall not permit noncompliance with this act.	Adjourned 5/7/21; Ceremonial sine die 5/26/21

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State	Bill (Link)/Effective Date	Prohibition Provisions (including scholarship & particip. elig. provisions)	College Athlete NIL Contract Disclosure Provision	Instit. Team Contract Disclosure and Conflict Provisions	Can school, conf. or NCAA provide \$ to athlete for NIL (other than ath. schol.)	Agent provisions	Other Provisions	Session Info
KANSAS 2020	2020: SB 474; Effective upon publication	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Institution asserting conflict shall disclose to the athlete and the athlete's professional representative the full contract the institution asserts is in conflict and shall designate the relevant contractual provisions asserted to be in conflict; Institution shall not enter into a contract that prevents athlete from receiving compensation for NIL when the student athlete is not engaged in official team activities.	Expressly prohibited for both prospective and current student-athletes	No prohibition from retaining prof. representation; Requires professional representation obtained by athlete to be from persons licensed by the state or hold certificates of registration and comply with both Uniform Athlete Agents Act and Fed Sports Agent Respon. & Trust Act	Unique provision on what athlete deems granted to institution: Sec. 4. (a) A student athlete shall be deemed to have granted the student's postsecondary educational institution the right, royalty-free and without compensation in return therefor, to use the student athlete's name, image, likeness rights or athletic reputation and any alterations thereto, to the extent and in the form determined in the institution's sole discretion, at any time for its advertising and marketing related to the postsecondary educational institution's athletic, academic, promotional and historical interests. Any contractual provision in a contract between a student athlete and a third-party sponsor or athlete agent in conflict with this provision is null and void. Sec 5 (b) A legal settlement arising under this act shall not permit noncompliance with this act.	
<u>KENTUCKY LAW</u>	By Executive Order, SB 249; Effective 7/1/23	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee within three (3) calendar days of the execution of the agreement, or three (3) calendar days before the next scheduled intercollegiate athletics competition in which the student-athlete may participate, whichever occurs earliest	A third-party licensee may not enter into, or offer to enter into, a name, image, and likeness agreement with a student athlete or otherwise compensate a student athlete for the use of the student athlete's NILs if a provision of the agreement or the use of the student athlete's NILs conflicts with a provision of a contract, rule, regulation, standard, or other requirement of the institution unless such contract or use is expressly approved in writing by the institution	Expressly prohibited for BOTH current and prospective student-athletes	No prohibition from retaining prof. representation; Prof'l represent. must be licensed by state and comply with Revised Uniform Athlete Agents Act and Fed Sports Agent Respon. & Trust Act; Legal rep. must be by attorneys licensed in KY	Sec 3.9: Any person who prevails against any postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics in any action in the courts regarding a violation of this section may, upon a finding that the penalty was willfully imposed in violation of this section, be awarded costs, including reasonable attorney's fees, incurred in connection with the legal action. If the person prevails in part, the court may in its discretion award costs or an appropriate portion thereof. In addition, it shall be within the discretion of the court to award the person an amount not to exceed twenty-five dollars (\$25) for each day the penalty was imposed. Attorney's fees, costs, and awards under this subsection shall be paid by the institution or organization that the court determines is responsible for the violation.	

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KENTUCKY 2020	2020: SB 238: Effective: 7/1/23	No rules can prohibit athlete from earning NIL compensation	No provision	Only states: A team contract of institution entered into, modified, or renewed after the effective date of this Act shall not prevent a student athlete from using of the student's name, image, or likeness to earn compensation when the athlete is not engaged in official team activities. (Sec 6)	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation; Prof'l represent. must be licensed by state and comply with Revised Uniform Athlete Agents Act and Fed Sports Agent Respon. & Trust Act; Legal rep. must be by attorneys licensed in KY	Sec 7. Any person who prevails against any postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics in any action in the courts regarding a violation of this section may, upon a finding that the penalty was willfully imposed in violation of this section, be awarded costs, including reasonable attorney's fees, incurred in connection with the legal action. If the person prevails in part, the court may in its discretion award costs or an appropriate portion thereof. In addition, it shall be within the discretion of the court to award the person an amount not to exceed twenty-five dollars (\$25) for each day the penalty was imposed. Attorney's fees, costs, and awards under this subsection shall be paid by the institution or organization that the court determines is responsible for the violation.	
<u>LOUISIANA LAW</u>	2021: SB 60: Effective upon signature of the gov. or lapse of time for gubernatorial action (July 1 per LA Constitution)	No rules can prohibit athlete from earning NIL compensation	To institution	Institution asserting a conflict shall disclose the provisions in conflict to the athlete or the athlete's professional or legal representation; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for BOTH current and prospective student-athletes	No prohibition from retaining prof. representation, must be certified or licensed to practice law in state, must comply w. Chapter 4A of Title 4 of the LA Revised Statutes of 1950; must comply with the Sports Agent Responsibility and Trust Act	K.(1) A postsecondary ed institution shall conduct a financial literacy and life skills workshop for a minimum of 5 hours at the beginning of the athlete's first and third academic years.	

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LOUISIANA 2020	2020: SB 239 (referenced here); Effective 1/1/23. (also HB 441; HB 566; HB 668)	No rules can prohibit athlete from earning NIL compensation	To institution designated employee	Institution asserting a conflict shall disclose the provisions in conflict to the athlete or the athlete's professional or legal representation; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for prospective student-athletes only	No prohibition from retaining prof. representation; must be licensed by state; agent must comply w/ Fed Sports Agent Respon. & Trust Act (along with several specific rqmts for agents)	Provides for a task force to review the matter of compensation for student athletes and to provide for the membership and reporting requirements of the task force; to provide for effectiveness; and to provide for related matters. §2063.A: Task force on student athlete compensation A. The commissioner of higher education shall convene the College and University Athlete Compensation Task Force to review existing state and federal laws and national athletic association bylaws and examine issues regarding a student athlete's use of his name, image, and likeness for compensation. (plus task force composition) To submit a report to the legislature regarding its findings and recommendations not later than August 1, 2021, at which time the task force shall terminate.	
MARYLAND LAW	PASSED 5/18/21; SB 439 (companion HB 125); NIL portions effective 7/1/23 for both; aka "The Jordan McNair Safe and Fair Play Act"	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	No disclosure provision: Athlete shall not enter into NIL contract if a provision is in conflict w/ instit. team contract	Expressly prohibited for prospective student-athletes	No prohibition from retaining representation	Removes the Council on the Fair Treatment of Student Athletes	
MARYLAND 2020	2020: HB 533; Effective 7/1/2020, aka "The Jordan McNair Safe and Fair Play Act"	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Institution shall disclose only relevant contractual provisions in conflict; Athlete shall not enter into NIL contract if a provision is in conflict w/ instit. team contract; Team contract shall not prevent a athlete from using NIL for a commercial purpose when the athlete is not engaged in official team activities.	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation; must be licensed by state; must comply w/ Fed Sports Agent Respon. & Trust Act	Establishes the Council on the Fair Treatment of Student Athletes ; providing for the composition, chair, terms, and staffing of the Council; requiring the Council to study and make recommendations regarding certain matters; authorizing the Council to receive and investigate certain complaints and information; requiring the Council to serve in an advisory capacity to the Chancellor and the Board of Regents of the University System of Maryland and the Board of Regents of Morgan State University; requiring the Council to report its findings and recommendations to both Boards of Regents on or before a certain date each year (provides for HBCU representation) (Sec 1) The Council shall have its first meeting on or before November 1, 2020.	

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MASSACHUSETTS 2021	S.832 (linked here) (no effective date indicated); H1340 (effective 1/1/22); H1335 (no effective date indicated)	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	A student-athlete shall not enter into a contract or agreement providing compensation to the athlete for use of the athlete's name, image or likeness if a provision of the contract or agreement is in conflict with a provision of the athlete's team contract. An institution asserting such a conflict shall disclose to the athlete or the athlete's legal representation the relevant contractual provisions that are in conflict	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation; must be licensed by state; must comply w/ Fed Sports Agent Respon. & Trust Act (along with several specific rqmts for agents)	Removed: 2020 provisions establishing Injured athlete fund and wage fund provisions	Formal session ends 11/17/21; Informal session 11/18/21-1/4/22
MASSACHUSETTS 2020	2020: HD 4559; No mention of enact date in draft but expected to be 2023. HD 4559 and S 2454	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	No specific provision re contract conflict. Re: Team contracts: (i) A new team contract or a renewal or modification of a team contract of an institution's athletic program shall not prevent a student-athlete from using the athlete's NIL for a commercial purpose when the athlete is not engaged in official team activities.	Expressly prohibited for prospective student-athletes (Sec 45(d))	No prohibition from retaining prof. representation; must be licensed by state; must comply w/ Fed Sports Agent Respon. & Trust Act (along with several specific rqmts for agents)	Injured athlete fund and wage fund provisions: Sec 45(j): Each institution shall establish an injured athlete fund to provide a student-athlete who suffers a career ending or long-term injury during a game or practice with compensation upon his or her graduation. The amount of such compensation shall be determined by the department. Such qualifying injury shall be verified by a health care provider. Sec 45(k): At the conclusion of each school year, each institution shall take 15 per cent of the revenue earned from ticket sales to all athletic events and divide and pay such amount to all student-athletes.	
MICHIGAN LAW	PASSED 12/31/20: HB 5217 and 5218; Effective 12/31/22	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Instit shall disclose the contractual conflict the instit. asserts is in conflict; No conflict w/ instit. Team contract for official team activities only	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. agent representation; must be licensed by state. Also includes financial advisor		

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MINNESOTA 2020	2020: HF3329; Effective 1/1/2023; Representative Nolan West (R.)	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Instit shall disclose the full contract the instit. asserts is in conflict; No conflict w/ instit. Team contract for official team activities only	No provision	No prohibition from retaining prof. representation, financial advisor or agent; must be licensed by state		
<u>MISSISSIPPI LAW</u>	PASSED 4/19/21; SB 2313 Effective 7/1/21	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	A third-party licensee may not enter into, or offer to enter into, a name, image and likeness agreement with a student-athlete or otherwise compensate a student-athlete for the use of the student-athlete's name, image and likeness rights if a provision of the name, image and likeness rights conflicts with a provision of a contract, rule, regulation, standard or other requirement of the postsecondary educational institution unless such contract or use is expressly approved in writing by the postsecondary educational institution.	Expressly prohibited for BOTH current and prospective student-athletes	No prohibition from retaining prof. representation; must be licensed and registered with state as provided in 208 Section 73-42-1 et seq. of the Uniform Athlete Agent Act; must be in good standing with The Mississippi Bar; must comply with the Uniform Athlete Agents Act, Section 73-42-1 et seq., Mississippi Code of 1972, and the federal Sports Agent Responsibility and Trust Act in 15 USC Sections 7801-7807	A student-athlete shall provide the postsecondary educational institution with written notice at least seven (7) days prior to entering into a representation agreement with any individual for the purpose of exploring or securing compensation for use of the student-athlete's name, image or likeness.	

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MISSISSIPPI 2020	2020: SB 2356 (here) , HB 880: Effective dates 7/1/20	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only (this prohibition only applicable to contracts entered into, modified, or renewed on or after January 1, 2023.	Expressly prohibited for prospective student-athletes only	No prohibition from retaining prof. representation; Professional representation must be registered as agents pursuant to Uniform Athlete Agents Act and comply with Fed Sports Agent Respon. & Trust Act; Attorneys must be licensed by state of MS	SECTION 4.(1)(a) It is the intent of the Legislature to monitor the NCAA working group created in May 2019 to examine issues relating to the use of a student's name, image, and likeness and revisit this issue to implement significant findings and recommendations of the NCAA working group in furtherance of the statutory changes implemented by this act. /// NIL Task Force: Sec 4(c) The Legislature finds and declares that Mississippi's universities and community colleges are institutions not governed by the National Collegiate Athletic Association or the National Junior College Athletic Association. In acknowledgment of this, the Legislature creates the Student-Athlete NIL Task Force to study the Mississippi Board of Trustees of State Institutions of Higher Learning (IHL) bylaws, Mississippi Association of Community and Junior Colleges (MACJC) bylaws, state and federal laws, and national athletic association bylaws regarding a student-athlete's use of NIL for compensation and report policy recommendations to the Legislature.	
MISSOURI 2021	HB 297 and HB 320 voted "Do Pass (S)" 5/13/21 (effective 8/28/21) ; HB 498: Effective 7/1/22	No rules can prohibit athlete from earning NIL compensation	Any student athlete who enters into a contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation shall disclose the full contract to an official of the postsecondary educational institution, with such official to be designated by such institution.	No institution or its designated official shall disclose terms of an athlete's contract that the athlete or the athlete's legal representation deems to be a trade secret or nondisclosable. An institution asserting a conflict described in subdivision (1) of this subsection shall disclose to the student athlete or the athlete's legal representation the full contract the institution asserts to be in conflict. No athlete or member of the athlete's legal representation shall disclose terms of an institution's contract that the institution deems to be a trade secret or nondisclosable.	No provision	No prohibition from retaining prof. representation; must be licensed by state (no metion of Fed Act compliance);	Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of an athlete's name, image, likeness, or athletic reputation shall conduct a financial development program of up to fifteen hours in duration once per year for their athletes. The financial development program shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services. Postsecondary educational institutions shall help distribute informational materials as needed. Postsecondary educational institutions shall inform their athletes of such meetings and provide appropriate meeting space.	Adjourned 5/14/21

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MISSOURI 2020	2020: HB 1564 (and HB 1792 1748); 7/1/21 (changed from 1/1/23)	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee. Also imposes limits on what institutional official can disclose re: athlete's contract	Instit. shall disclose the "full contract that the instit. asserts is in conflict" with limits on what athlete and agent can disclose; No conflict w/ instit. team contract for official team activities only. Also, limit on team contract - that are recorded in writing and made publicly avail. Team activities shall not exceed 20 hrs per week during the season and 8 hrs per week during the off-season.	No provision	No prohibition from retaining prof. representation; must be licensed by state (no mention of Fed Act compliance); also financial advisor included		
<u>MONTANA LAW</u>	PASSED 4/30/21: SB 248 Effective 6/1/23	No rules can prohibit athlete from earning NIL compensation.	To institution-designated official	Instit. asserting conflict shall disclose the specific rules or terms asserted to be in conflict to the student-athlete or to the 14 student-athlete's professional representative or athlete agent if the student-athlete is represented	Expressly prohibited for both prospective and current student-athletes	No prohibition from retaining prof. representation	(5) A POSTSECONDARY SCHOOL MAY: 19 (A) INCLUDE PROVISIONS IN SCHOLARSHIP AGREEMENTS ALLOWING THE POSTSECONDARY SCHOOL TO USE 20 THE ATHLETE'S NAME, IMAGE, AND LIKENESS; 21 (B) PROHIBIT THE USE OF AN ATHLETE'S NAME, IMAGE, AND LIKENESS ON SCHOOL PROPERTY, AT SCHOOL 22 FUNCTIONS, OR IN ANY ADVERTISING MATERIAL DISTRIBUTED OR PLACED ON SCHOOL PROPERTY; 23 (C) SERVE AS AN AGENT FOR THE ATHLETE TO MANAGE ANY CONTRACT USING AN ATHLETE'S NAME, IMAGE, 24 AND LIKENESS; OR 25 (D) DO ANY COMBINATION OF SUBSECTIONS (5)(A) THROUGH (5)(C).	

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NEBRASKA LAW	PASSED. Signed by Gov July 24, 2020. LB 962; Effective 7/1/23 but early discretion (each institution shall determine a date on or before 7/1/23) (Sec 9); Sen. Megan Hunt prime sponsor	No rules can prohibit athlete from earning NIL compensation.	To institution-designated employee and designation shall be communicated in writing to each student-athlete. Institution shall be prohibited from disclosing any terms of contract the student-athlete or the student-athlete's professional representation deems to be a trade secret or otherwise nondisclosable.	Institution asserting conflict shall disclose to the student-athlete the full team contract asserted to be in conflict. The student athlete and the student-athlete's professional representation shall be prohibited from disclosing any terms of a team contract the postsecondary institution deems to be a trade secret or otherwise nondisclosable. No conflict w/ instit. team contract for official team activities only	No provision	No prohibition from retaining prof. representation; Agent must hold cert. of registration under Nebraska UAAA; Attorney must be licensed by state	Sec. 8. (1) A student-athlete or a postsecondary institution aggrieved by a violation of the Nebraska Fair Pay to Play Act may bring a civil action against the postsecondary institution or collegiate athletic association committing such violation. (2) A plaintiff who prevails in an action under the Nebraska Fair Pay to Play Act shall be entitled to: (a) Actual damages; (b) Such preliminary and other equitable or declaratory relief as may be appropriate; and (c) Reasonable attorney's fees and other litigation costs reasonably incurred.	
NEVADA LAW	PASSED 5/29/21: AB 254; effective 10/1/21 (immediately for purpose of adopting regs)	No rules can prohibit athlete from earning NIL compensation.	To institution	Sec. 6(3) If the institution in which the student athlete is enrolled alleges that a provision of a contract entered into pursuant to section 1 conflicts with a provision of a contract between the student athlete and the institution, the institution shall inform the student athlete and, if the student athlete has legal representation, the attorney of the student athlete of the alleged conflict.	Expressly prohibited for both prospective and current student-athletes	Student athlete may obtain "professional services" including without limitation, representation regarding contracts or other legal matters, provided by an attorney or an athlete agent pursuant to chapter 26398A of NRS.	Sec. 8. Requires the Legislative Committee on Education to appoint a committee to conduct an interim study concerning the use of the name, image and likeness of a student athlete.	Adjourned 6/1/21
NEW HAMPSHIRE 2020	2020: HB 1505; Shall take effect 7/1/2022. Applies to contracts entered into on or after July 1, 2020.	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee		No provision	No prohibition from retaining prof. representation; must be licensed by state (no mention of Fed Act compliance); also financial advisor included (II (a)) .		

THE DRAKE GROUP (contact Julie Sommer - jsommer@jsommerlaw.com)

STATE LEGISLATION RELATED TO COLLEGE ATHLETE NIL/OUTSIDE EMPLOYMENT COMPENSATION (updated as of 7/7/21)

State	Bill (Link)/Effective Date	Prohibition Provisions (including scholarship & particip. elig. provisions)	College Athlete NIL Contract Disclosure Provision	Instit. Team Contract Disclosure and Conflict Provisions	Can school, conf. or NCAA provide \$ to athlete for NIL (other than ath. schol.)	Agent provisions	Other Provisions	Session Info
<u>NEW JERSEY LAW</u>	PASSED 9/14/20: S971. A5863: shall take effect immediately and shall first be applicable in the fifth academic year following the date of enactment (2025).	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Only provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for prospective student-athletes only	No prohibition from retaining prof. representation; must be licensed by state; must comply w/ Fed Sports Agent Respon. & Trust Act	Sec 4: Only prohibits athlete from entering into contract providing compensation to the student-athlete for use of his NIL if a provision of the contract conflicts with a provision of the team contract or violates the alcohol, tobacco, gambling - including sports gambling, adult entertainment products (etc) (2.b rule). 4(d) Institution team K shall allow instit, conf, NCAA to use athlete's NIL without additional comp. to athlete.	
<u>NEW MEXICO LAW</u>	PASSED 4/7/21: SB 94 Effective 7/1/21	No rules can prohibit athlete from earning NIL compensation	No provision	No provision	A post-secondary educational institution shall not arrange third-party compensation for the use of a student athlete's name, image, likeness or athletic reputation or use such deals as inducements to recruit prospective student athletes	No prohibition from retaining prof. representation by an agent		

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NEW MEXICO 2020	2020: SB191: Effective 7/1/2020	No rules can prohibit athlete from earning NIL compensation	No provision	No provision	Institution, athletic association or athletic conf shall not provide a student athlete with compensation in relation to the athlete's or individual's name, image or likeness.	No prohibition from retaining prof. representation by an agent	Sec 3B.2: An athletic association or athletic conference shall not prohibit or otherwise prevent an individual who earned compensation as the result of the use of the individual's name, image or likeness before enrollment in a post-secondary educational institution from participating in intercollegiate athletics on the basis of the individual's earned compensation for the use. /// Sec C: A post-secondary educational institution, athletic association or athletic conference shall not provide a student athlete or other individual described pursuant to Paragraph (2) of Subsection B of this section with compensation in relation to the athlete's or individual's name, image or likeness. of the individual's name, image or likeness	
NEW YORK 2021	S4771 (effective immediately); S5891 (effective "immediately" except substantive portion of bill 1/1/25)	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	A college asserting a conflict described in paragraph (a) of this subdivision shall disclose to the student athlete or the athlete's legal representation the relevant contractual provisions that are in conflict	Expressly prohibited for prospective student-athletes only	No prohibition from retaining prof. representation; must be licensed/registered with state; must comply w Fed Sports Agent Respon. & Trust Act	Amends education law adding new section § 6438-a // Removed from 2021 bill: 2020 bill included injury HSA account and wage funded with 15% of the revenue earned from college's athletic program. One half to each fund. At end of each year, each college's wage fund shall be divided evenly and paid to all athletes. 2021 bill effective immediately upon passage.	Adjourned 6/10/21
NEW YORK 2020	2020: S6722; Effective 1/1/2023	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Only provisions of contract relevant to contractual provisions in conflict; Athlete shall not enter into NIL contract if a provision of the contract is in conflict with a provision of the team contrac; Team contract shall not prevent athlete NIL when the athlete is not engaged in official team activities	Expressly prohibited for prospective student-athletes only	No prohibition from retaining prof. representation; must be licensed/registered with state; must comply w Fed Sports Agent Respon. & Trust Act	Creates both injury HSA account and wage fund. Both account and wage fund shall be funded with 15% of the revenue earned from college's athletic program. One half to each fund. (Sec 7(a)) At end of each year, each college's wage fund shall be divided evenly and paid to all athletes.	

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<u>NORTH CAROLINA LAW</u>	EXECUTIVE ORDER NO. 223 (Effective 7/2/21)	Athletes may receive compensation for their NIL under certain conditions	No provision	An institution may prohibit athletes from receiving compensation or entering into agreements or contracts for use of their NILs if the arrangements conflict with a contract of the school; institution may impose other reasonable limitations	No provision	No prohibition from retaining athlete agent or licensed attorney in accordance with Article 9 of Chapter 78C of the General Statutes and applicable w federal law including the Sports Agent Responsibility and Trust Act, 15 U.S.C. §§ 7801-7807	Encourages institutions to offer financial literacy skill programs to athletes	
NORTH CAROLINA 2020	2020: SB335- not NIL, but expansive student-athlete rights and protection bill; Effective "when becomes law"						Creates protections and rights for college student-athletes; Authorizes creation of a University Student-Athlete Protection Commission	
<u>OHIO LAW</u>	PASSED: SB 187; Effective 7/1/21	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	Instit. shall communicate to the student the relevant contract provision that is in conflict. The student shall not enter into the proposed contract, but the student may negotiate a revision to the proposed contract to avoid the conflict. The revised proposed contract is subject to review by the institution or college to ensure compliance with this chapter.	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation	Sec. 3376.06. E: A state institution of higher education or private college may establish reasonable policies or standards to address a student's failure to provide the disclosure required under division (D)(1) of this section or any other failure to comply with the requirements of this chapter.	Adjourns 12/31/21

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State	Bill (Link)/Effective Date	Prohibition Provisions (including scholarship & particip. elig. provisions)	College Athlete NIL Contract Disclosure Provision	Instit. Team Contract Disclosure and Conflict Provisions	Can school, conf. or NCAA provide \$ to athlete for NIL (other than ath. schol.)	Agent provisions	Other Provisions	Session Info
<u>OKLAHOMA LAW</u>	PASSED: SB 48: Effective immediately	No rules can prohibit athlete from earning NIL compensation	Student must disclose the contract in a manner designated by the postsecondary institution, but in any event within seventytwo (72) hours after entering into the contract or before the next athletic event in which the student athlete is eligible to participate.	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for prospective student-athletes	Must be licensed under UAAA or superseding law; An athlete agent representing a student athlete shall comply with the federal Sports Agent Responsibility and Trust Act, Chapter 104, Section 7801 et seq. of Title 15	Athlete has right to cancel representation; includes criminal penalties for violations	
OKLAHOMA 2020	2020: HB 3347; Effective 9/1/23	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation. Agents must be licensed under UAAA and comply with Fed Sports Agent Responsibility and Trust Act; Attorneys must be licensed by state.		
<u>OREGON LAW</u>	PASSED: SB 5 (Sec 6: Secs 1-4 apply to contracts entered into or renewed on or after July 1, 2021; Sec 6 declares emergency, effective immediately when passed)	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	Institution shall disclose specific rules or terms asserted to be in conflict to the athlete or the athlete's professional rep or athlete agent; prohibits student from entering NIL contract that conflicts with team rules	Expressly prohibited for BOTH current and prospective student-athletes	Prohibits student athlete from retaining professional representation or agent who represented post-secondary institution of education at any time in the preceding 4 years	Requires merchandising agreement that covers intercollegiate sports team that includes royalty payments to also include royalty payments to current members of team and royalty payments plus premium to current or former member of team whose name, image or likeness is used; "Student's rights" does not include a right to receive compensation from an institution	Adjourns 6/28/21

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State	Bill (Link)/Effective Date	Prohibition Provisions (including scholarship & particip. elig. provisions)	College Athlete NIL Contract Disclosure Provision	Instit. Team Contract Disclosure and Conflict Provisions	Can school, conf. or NCAA provide \$ to athlete for NIL (other than ath. schol.)	Agent provisions	Other Provisions	Session Info
OREGON 2020	2020: Senate has PASSED SB1501 (was in House for recommended pass upon adjournment 3/7/20); Effective 1/1/2023	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Institution shall disclose specific rules or terms asserted to be in conflict to the athlete or the athlete's professional rep or athlete agent; Athlete NIL contract cannot conflict team or instit and third party contract, except when not engaged in official team activities (see sec H here)	Institution, athletic association, conference or organization with authority over intercollegiate sports may not provide to a prospective or current student athlete compensation for use of the student athlete's name, image or likeness.	No prohibition from retaining prof. representation, financial advisor or agent; must be licensed by state	Athlete may not enter into a contract that provides NIL compensation if terms of the contract conflict with the athlete's team rules or with terms of a contract entered into between the athlete's institution of education and a third party, except neither the team rules nor a contract entered into between the institution and a third party may prevent a student athlete from earning NIL compensation when not engaged in official team activities.	
PENNSYLVANIA LAW	2021: SB 381, Article XX-K; Effective immediately 6/30/21;	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee AT LEAST SEVEN DAYS PRIOR TO EXECUTION OF THE CONTRACT	(E) PROHIBITION.--AN INSTITUTION PROHIBIT A COLLEGE STUDENT ATHLETE'S INVOLVEMENT IN NAME, IMAGE OR LIKENESS ACTIVITIES THAT CONFLICT WITH EXISTING INSTITUTIONAL SPONSORSHIP ARRANGEMENTS AT THE TIME THE COLLEGE STUDENT ATHLETE DISCLOSES A CONTRACT TO THE INSTITUTION AS REQUIRED UNDER SUBSECTION (F). AN INSTITUTION, AT THE INSTITUTION'S DISCRETION, MAY PROHIBIT A COLLEGE STUDENT ATHLETE'S INVOLVEMENT IN NAME, IMAGE OR LIKENESS ACTIVITIES BASED ON OTHER CONSIDERATIONS, SUCH AS CONFLICT WITH INSTITUTIONAL VALUES, AS DEFINED BY THE INSTITUTION OF HIGHER EDUCATION.	Expressly prohibited for prospective student-athletes/as inducement	Professional representation obtained by a college athlete shall be from a person: (1) acting as an athlete agent in accordance with 5 Pa.C.S. Ch. 33 (relating to registration); (2) acting as a financial advisor in accordance with the laws of this Commonwealth; or (3) admitted to practice law by a court of record of this Commonwealth	ROYALTY PAYMENT. --A PERSON THAT PRODUCES A COLLEGE TEAM JERSEY, A COLLEGE TEAM VIDEO GAME OR COLLEGE TEAM TRADING CARDS FOR THE PURPOSE OF MAKING A PROFIT SHALL MAKE A ROYALTY PAYMENT TO EACH COLLEGE STUDENT ATHLETE WHOSE NAME, IMAGE, LIKENESS OR OTHER INDIVIDUALLY IDENTIFIABLE FEATURE IS USED. Prohibitions: compensation from any company or organization tied to alcohol, gambling, tobacco or electronic cigarettes, prescription drugs, adult entertainment or controlled dangerous substances. E. Prohibition: AN INSTITUTION SHALL HAVE POLICIES THAT SPECIFY THE NAME, IMAGE OR LIKENESS ACTIVITIES IN WHICH COLLEGE STUDENT ATHLETES MAY OR MAY NOT ENGAGE.	Adjourns 12/31/21

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State	Bill (Link)/Effective Date	Prohibition Provisions (including scholarship & particip. elig. provisions)	College Athlete NIL Contract Disclosure Provision	Instit. Team Contract Disclosure and Conflict Provisions	Can school, conf. or NCAA provide \$ to athlete for NIL (other than ath. schol.)	Agent provisions	Other Provisions	Session Info
PENNSYLVANIA 2021	2021: HB 632: Effective 60 days after enactment	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	An institution of higher education asserting a conflict described in paragraph (1) shall disclose to the college athlete or the college athlete's professional representative or other agent, if applicable, the full contract that the institution of higher education asserts to be in conflict	Expressly prohibited for prospective student-athletes	Professional representation obtained by a college athlete shall be from a person: (1) acting as an athlete agent in accordance with 5 Pa.C.S. Ch. 33 (relating to registration); (2) acting as a financial advisor in accordance with the laws of this Commonwealth; or (3) admitted to practice law by a court of record of this Commonwealth		Adjourns 12/31/21
PENNSYLVANIA 2020	2020: HB 1909: Effective 7/1/2020	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Shall disclose full contract instit. asserts to be in conflict; No conflict w instit. team contract for official team activities only - specific mention of apparel contracts in conflict prohibited during official team activities (Sec 6707)	No provision	No prohibition from retaining prof. representation, financial advisor or agent; must be licensed by state	Does not apply community colleges Sec 6703	
RHODE ISLAND 2021	2021: HB5082: Effective 1/1/2022	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	A postsecondary educational institution asserting a conflict under subsection (e)(1) of this section, must disclose the relevant contractual provisions that are in conflict with the student's team contract, to the student athlete or his or her representative.	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation; agent must be licensed by state; must be registered under chapter 74 of Title 5; must comply w/ Fed Sports Agent Respon. & Trust Act		Adjourns 6/30/21

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RHODE ISLAND 2020	2020: H7806; Effective: Bill states 1/1/21. Explanation of Bill by Leg Council states 1/1/23	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only (applies only to team contracts entered into, modified, or renewed on or after January 1, 2022)	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation. Agents must be licensed under UAAA and comply with Fed Sports Agent Responsibility and Trust Act; Attorneys must be licensed by state.		
<u>SOUTH CAROLINA</u> <u>LAW</u>	PASSED 5/6/21: S. 685 effective 7/1/22	No rules can prohibit athlete from earning NIL compensation	(A) A prospective intercollegiate athlete who enters into a name, image, or likeness contract shall disclose the name, image, or likeness contract to his institution of higher learning and its athletic department prior to enrollment or signing a financial aid agreement with the institution of higher learning or a team contract.	An institution of higher learning asserting a conflict described in subsection (A) shall disclose to the student athlete or the student athlete's professional representation, if any, the relevant contractual provisions that are in conflict.	Expressly prohibited for prospective student-athletes	No prohibitions from retaining prof. representation as provided in Chapter 102, Title 59; a licensed attorney admitted to practice law in the State of South Carolina; agent must comply with federal Sports Agent Responsibility Act		

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SOUTH CAROLINA 2020	2020: S 935; Effective 1/1/2021	No rules can prohibit athlete from earning NIL compensation		Institution asserting a conflict shall disclose to the student athlete or the student athlete's professional representation, if any, the relevant contractual provisions that are in conflict; Team contract shall not prevent a student athlete from using NIL for a commercial purpose when the student athlete is not engaged in official team activities	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation; must be licensed/registered with state; must comply w Fed Sports Agent Respon. & Trust Act	Section 59-157-50. Following are not considered compensation and shall not be revoked as a result of earning compensation or obtaining legal representation: (1) a scholarship from the higher ed institution that provides the athlete with the cost of attendance at that institution; and (2) a stipend from a postsecondary institution paid to the student athlete per Article 9, Chapter 101, Title 59. Section 59-101-910. (A) The governing body of every participating institution in this State shall authorize the participating institution's athletic director to use monies generated from the intercollegiate sport gross revenue to award stipends annually to each athlete who participates in an intercollegiate sport and maintains good academic standing the previous academic year, including the athlete's senior year in high school.(B) stipends awarded are determined by the total number of hours spent in the intercollegiate sport multiplied by the hourly rate established by the participating institution for a work study program. (C) All stipends awarded under this section shall be in addition to any scholarship, including the cost of attendance or financial aid.; Section 59-101-1010. Establishes a Student Athlete Trust Fund. The governing body of every participating institution in this State shall create a trust fund and fund the trust with a percentage of the intercollegiate sport gross revenue. Earnings, interest and current and previous year balance credited to it and carries forward in the succeeding fiscal year. Section 59-101-1020. (A) For each year that a student athlete maintains good academic standing, \$5,000 will be deposited into the fund on his behalf. The total trust fund amount may not exceed \$25,000 per student athlete. **These stipends and trust funds would be payable for only football, men's basketball and women's basketball**	

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TENNESSEE LAW	PASSED 5/11/21: HB 1351; Effective 1/1/22	No rules can prohibit athlete from earning NIL compensation	To institution- must also file annual reports w/ institution that includes the identities of entities/persons who provide compensation, the amount of compensation, and other relevant info	Instit must disclose the relevant terms of the instit's existing agreement that conflicts or unreasonably competes w/ the athlete's agreement to the intercollegiate athlete or their representative	Expressly prohibited for current and prospective student-athletes	No prohibition from retaining prof. representation; agents must be licensed under Sec. 49-7-2104 and must satisfy the requirements of title 49, chapter 7, part 21; agent must be active and in good standing with the board of professional responsibility or equivalent in the state in which they are licensed.	Institutions shall conduct a financial literacy workshop for intercollegiate athletes during the athlete's first full-time term of enrollment. The workshop must cover, at a minimum, info related to the requirements of this part, budgeting, and debt management.	
TENNESSEE 2020	2020: SB 1636; Effective date 7/1/2023	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	No mention of what Instit. must disclose to athlete. Only a restriction on Instit. entering into a K that prevents an athlete from using athlete's NIL when the student is not engaged in official activities	Expressly prohibited for prospective student-athletes only	No prohibition from retaining prof. representation; agents must comply with part 21 of chapter	Instit shall not (4) Discriminate against a student athlete based on an athletic coach's donation to the public institution of higher education. As used in this subdivision (b)(4), "discriminate" includes, but is not limited to, playing or not playing an athlete, and awarding or not awarding a scholarship	

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<u>TEXAS LAW</u>	PASSED 6/14/21: SB 1385; Effective 7/1/21	No rules can prohibit athlete from earning NIL compensation	To institution- in the manner prescribed by the institution	An institution to which this section applies that identifies a provision in a contract disclosed to the institution by a student athlete under Subsection (g)(1) that conflicts with a provision in the student athlete 's team contract, an institutional contract of the institution, or the honor code of the institution shall promptly disclose the conflict to the student athlete or the student athlete 's representative, if applicable. The student athlete or the student athlete 's representative is responsible for resolving the conflict not later than the 10th day after the date of the disclosure	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation; student may not enter into a contract for the student athlete 's representation by an athlete agent relating to use of the student athlete 's name, image, or likeness unless the athlete agent holds a certificate of registration under Chapter 2051, Occupations Code;	An institution to which this section applies shall require a student athlete participating in an intercollegiate athletic program at the institution to attend a financial literacy and life skills workshop at the beginning of the student 's first and third academic years at the institution. The workshop must be at least five hours in duration and include information on financial aid, debt management, time management, budgeting, and academic resources available to the student athlete.	
VERMONT 2020	2020: S 328; Effective 1/1/23	No rules can prohibit athlete from earning NIL compensation	To institution- designated employee	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; Institution shall not propose a new, renewed, or modified contract that prohibits a student athlete from earning NIL compensation	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation - agent or legal rep by an attorney (no language on specific licensing)		
VIRGINIA 2020	2020: HB 300; Effective 7/1/2024	No rules can prohibit athlete from earning NIL compensation (except while engaged in official team activities and no NIL contract in conflict with team contract)	No provision	No provision re: disclosure; Team may require athlete to enter into Team contract that prohibits student earning NIL while the student is engaged in official team activities and no athlete shall enter into any contract in conflict with team contract	Expressly prohibited for prospective student-athletes	No prohibition from retaining prof. representation - agent or legal rep by an attorney licensed in VA	Chancellor shall convene College System NIL Task Force relating to community colleges.	

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WASHINGTON 2020	2020: HB 1084; Effective 1/1/2023	No rules can prohibit athlete from earning NIL compensation	To institution-designated employee	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for prospective student-athletes	Any student may agree to be represented by an athlete agent or legal representation provided by attorneys. Agents must be licensed under UAAA and comply with Fed Sports Agent Responsibility and Trust Act; Attorneys must be licensed by state.	**In original 2020 HB 1084 but removed in substitute bill: Any student may: Receive compensation for services actually provided, including, but not limited to, payment for the use of student's NIL, as long as the compensation is commensurate with the market value of the services provided /// Violations of the student-athlete compensation legislation would be considered violations of other state laws, including unfair or deceptive acts in trade or commerce and unfair methods of competition. (Sec 7)	
WEST VIRIGINA 2021	HB 2583 (no effective date indicated)	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for prospective student-athletes	Any student may be represented by an athlete agent or legal representation provided by attorneys. Agents must be licensed under UAAA and comply with Fed Sports Agent Responsibility and Trust Act; Attorneys must be licensed by state.		Adjourned 4/10/21
WEST VIRIGINA 2020	2020: HB 4921 (no effective date indicated)	No rules can prohibit athlete from earning NIL compensation	To institution-designated official	Instit. must only disclose provisions of contract relevant to contractual provisions in conflict; No conflict w/ instit. team contract for official team activities only	Expressly prohibited for prospective student-athletes	Any student may be represented by an athlete agent or legal representation provided by attorneys. Agents must be licensed under UAAA and comply with Fed Sports Agent Responsibility and Trust Act; Attorneys must be licensed by state.		
WISCONSIN	no NIL bill but a joint resolution to act if NCAA does not on NIL: JR 147							Adjourns 12/31/21