

State-by-State Athletics Name, Image, and Likeness Legislation

FULL REPORT AND METHODOLOGY

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A. Introduction

Prior to 2021, the National Collegiate Athletic Association's ("NCAA") "amateur status" rules prohibited college athletes from engaging in employment based on their athletic ability or related to their notoriety as athletes. They were not allowed to endorse products like running shoes or sports equipment. They could not be paid to appear at an event or a business to sign autographs. They could not start their own summer sports camps to teach children how to play their sport. They could not appear in advertisements to endorse products or accept payment for doing so. College athletes could receive educational grants-in-aid from their institutions, but institutions could not pay athletes to play or for licenses to use their names, images, or likenesses ("NIL"). While NCAA rules still technically prohibit "pay for play," barriers to prohibiting institutions from paying players for their NIL licenses and sharing revenues generated by their sports teams have fallen due to a recent court settlement, with this settlement still under appeal and other lawsuits still pending on the issue of direct pay-for-play payments from institutions to players.

While many people believe that the 2021 *NCAA v. Alston* decision by the Supreme Court of the United States (SCOTUS) was an athlete NIL case, it was not. In that case, SCOTUS was only asked to validate the U.S. District Court's ruling on education-based benefits, not outside third-party or institution-provided NIL compensation. However, Justice Kavanaugh stated in his concurring opinion, which was not relevant to the issue being considered, that the NCAA's remaining compensation rules (including those that prohibited athletes from monetizing their NILs) raised serious antitrust concerns. This statement precipitated the misunderstanding about the Alston decision. There is no current federal law that addresses or pre-empts state laws allowing NIL or other forms of athlete compensation. The *House v. NCAA*, *Carter v. NCAA*, and *Hubbard v. NCAA* antitrust cases would have been the first federal NIL and revenue-sharing cases, but are not moving forward because

they were the subject of the recently approved settlement, *College Athlete NIL Litigation* (aka *House/Carter v. NCAA and Power Five* (2025)), hereafter referred to as ‘*House v. NCAA*.’ The settlement granted various athlete plaintiff classes \$2.8 billion in past damages and an estimated \$20-30 billion in injunctive relief over the next ten years to future college athletes, with the latter to be voluntarily paid out by Power Five¹ institutions at no more than a capped annual, gradually escalating amount, starting at \$20.5 million per year per institution in 2025-26. Approval of the settlement is under appeal, with a decision unlikely to occur before 2026. While payment of the past damages portion of the settlement has been stayed (a condition of the settlement), no motion has been filed to date to stay the going-forward provision, which began on July 1, 2025.

Two other federal antitrust cases related to athlete compensation and benefits are pending, with decisions unlikely before 2026. *Johnson v. NCAA* would determine whether college athletes are covered by the federal Fair Labor Standards Act (FLSA), which establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in federal, state, and local governments, including public higher education institutions. (Congress.gov, 2024) *Fontenot v. NCAA*, like *House v. NCAA*, claims that NCAA rules have illegally prevented college athletes from earning their fair share of the millions of dollars in revenue their schools bring in and argues that the *House v. NCAA* settlement is insufficient, further contending that its cap is an illegal price fix. (Associated Press, 2024)

Therefore, it is accurate to say that while the question of athletic association rules prohibiting colleges and universities from providing athlete NIL and other forms of pay-for-play compensation and benefits has not yet been judged on its merits by the courts, the

¹ The Power Five refers to the top five wealthiest conferences in the Football Bowl Subdivision (FBS) of the NCAA: the ACC (Atlantic Coast Conference), Big Ten, Big 12, Pac-12 (Pacific Twelve), and the SEC (Southeastern Conference), who, along with the NCAA, were the defendants in *House v. NCAA*.

House v. NCAA settlement has forced institutions into two current pay-for-play predicaments. First, the settlement does not provide relief from the other two ongoing antitrust cases (Fontenot and Johnson) or other potential antitrust lawsuits that may target the fact that *House v. NCAA* settlement defendant schools (the Power Five) have limited annual athlete compensation from institutions to athletes at amounts certain, likely a price fixing practice not permitted under the Sherman Act. Second, there are numerous state laws that limit, permit, or place conditions or benefits on athlete NIL or pay-for-play compensation in ways that may violate NCAA rules and/or the terms of the settlement. These state laws place NCAA member institutions that are engaged in commerce over state lines at risk for state lawsuits. Only Congress can provide the schools with an antitrust exemption to offset the federal Sherman Act risk and/or a law that pre-empts these state laws to relieve these litigation risks.

Members of Congress are now considering legislation that would grant college sport programs this antitrust and state law relief, but are not close to mustering the bipartisan support necessary to adopt a viable bill (Washington Post, 2025). Schools must therefore face immediately dealing with state laws that may put them at risk for litigation. Thus, it is in the interest of state and federal legislators and a critical need of all institutions of higher education with athletic programs, to understand the existing state laws related to NIL, other compensation, and financial education and other benefits institutions must provide athletes. Identifying and understanding these proposed, pending, and adopted state laws related to athlete compensation is the important purpose of this study.

California was the first state to pass state NIL legislation, adopting the Fair Pay to Play Act on September 30, 2019. Other states followed this lead. Today, 30 states plus the District of Columbia have current NIL or related athlete employment laws, with three of those states considering bills to revise their existing laws. Five states have NIL or other

compensation legislation pending, one state has announced draft legislation not yet formally filed. Fourteen states have no NIL or athlete employment laws. These laws not only give student athletes the ability to profit from their name, image, and likeness, but they also allow athletes to be represented by agents, require schools to provide athlete financial education, address tax issues, or provide them with other rights or benefits related to outside employment.

Initially, states focused on being sure that athletes in their states had third-party NIL employment rights and related benefits. Now, states are updating their existing laws to address revenue sharing, and states without laws are developing NIL, revenue sharing, and employment laws. Legislators in all states appear to be examining their positions to make sure athletes in other states don't have an advantage over athletes in their own states.

This project further developed and updated the contents of a 2021 database² produced by The Drake Group, which was the first group to track state NIL legislation. The resulting searchable database is designed to help policymakers, school administrators, and legal professionals identify compensation patterns, highlight legal conflicts, and provide data for future research or legislation. It contains essential information regarding the status of proposed and adopted college athlete NIL and employment state laws through October 8, 2025.

The project used internet research methodology to identify and examine proposed and adopted bills and laws promulgated by legislatures in all 50 states and the District of Columbia and includes internet links to enable the user to track and update this informational

² The Drake Group Education Fund. (2021) *State-by-State Legislation on College Athlete Name/Image/Likeness – A Drake Database*. (2021) TheDrakeGroupEducationFund.org. Retrieved from: <https://www.thedrakegroupeducationfund.org/2020/09/27/state-by-state-legislation-on-college-athlete-name-image-likeness-a-drake-database/>

resource over time. Many of these state laws conflict with one another as well as current national athletic association rules and may be inconsistent with federal legislation currently being considered or proposed in the future. As previously stated, because college and university teams travel across state lines to compete, schools and athletes may face legal uncertainty or risk of violating local laws if they are not aware of these legal obligations. Differences in state laws may give schools located in states with liberal pro-athlete legislation unfair advantages over schools in other states that don't provide similar benefits, such as state exemptions for college athlete NIL or other compensation, or protecting athlete NIL contracts from public disclosure requirements. Or, the reverse may be true if state legislation is more restrictive, such as prohibiting athletes from entering into NIL agreements that conflict with institutional sponsorships. For these reasons, Congress is searching for bipartisan support to create a federal law that would establish a standard set of rights for all U.S. college athletes and pre-empt or negate these varying state laws. In the meantime, understanding these state laws are vital.

B. Purpose

The purpose of updating this database is to provide legislative policymakers, athletics administrators, and college athletes with current knowledge of state laws related to NIL and other third-party employment. School administrators must know what laws require in their own state and the states in which their athletics teams compete and how they can best guide their student-athletes, whenever such laws contain taxation or other athlete obligations. Athletes and their agents need to understand these obligations, rights, and opportunities when it comes to earning NIL and other compensation. Athletic governance associations (i.e., NCAA, NAIA, NJCAA, conferences, and state athletic associations) must address enforcement obligations when their rules conflict with state laws. Knowledge of state laws may inform federal policymakers of rights and benefits that should be

included in or compensation practices that should be prohibited by federal legislation. State legislators could use the database to determine if there are model laws in other states that should be replicated or understand what laws are needed in their state to protect their athletes, schools, and colleges, or that affect the success of athletics programs in their state.

C. Database Problems to be Solved

An up-to-date compendium of NIL laws does not apparently exist, and the 2021 database structure constructed by The Drake Group does not accommodate the new provisions addressed by more recent NIL laws or allow the disaggregation by state of laws by type or stage of being adopted. For example, headings were added to specify who the law affects, the current status of the bill, and new categories of information, such as taxation and compensation issues other than NIL employment. Overall, this more extensive segmentation will make it easier for readers to better understand the contents of laws and pending legislation.

In addition to improving content segmentation, headings were added that would act as filters so the user could select smaller subsets of states, for example, allowing the reader to sort by applicability to high school versus college athletes or by status of legislative action (i.e., adopted, pending, proposed draft, etc.). Because states may have more than one bill in progress or multiple bills to amend an existing law, separate entries (rows) are created for each bill tracked, providing a more comprehensive picture of the various issues each state is addressing regarding NIL or other compensation.

Another enhancement was the inclusion of bills that died in committee, which may provide information on the nature of unsuccessful legislative efforts, although this often happens when time runs out at the end of each legislative session.

D. Methodology

A preliminary review of more recent state laws was conducted to determine whether more recent legislation was more complex than earlier legislation, therefore, requiring additional database segmentation. Examples of categories that had to be added were:

- Bill Status— so that readers could distinguish between bills adopted, bills pending, those that died in the chamber or committee, legislation presented as drafts only, and actions that were executive orders or the result of rescission motions.
- Athletes Affected—whether the bill applies to college students or both college and high school students.
- Taxes and employment—new compensation and obligations

The original 2021 database had eight headings, which were expanded to eleven:

- State
- Current Status
- Applies to College Only
- Applies to High School and College
- Prohibition or Required Provisions—including scholarship and participation eligibility provisions that define what colleges and universities can and cannot do regarding NILs
- College Athlete NIL Contract Disclosure Provision
- Institution/Team Contract Disclosure
- Conflict Provisions—whether the NIL law requires athletes to disclose their NIL contracts to their school.
- Can a school, conference, or the NCAA provide NIL compensation to an athlete?
- Agent Provisions
- NIL Tax and Employment
- Other Provisions—other information that is important to note that hasn't been included under other headings

In the restructure of the database, the decision was made to remove certain headings. For example, the original 2021 database had two headings: status and the date adopted. Realizing that these had the same meaning, the date adopted heading was removed and the status heading retained.

To help readers find and sort information more efficiently, we decided to include lettering for each heading to permit filtering by type. For example, under the current status, A) is current law, B) is a bill pending, and so on. The same is done for the college and high school columns.

In addition to the preliminary review of recent bills, followed by editing the 2021 Excel database to increase segmentation, I examined the 2021 database links and article references to help determine the most efficient legislative search methodology. In doing so, I discovered Legiscan.com, which is a general state legislative tracking website. On the website, there is a drop-down menu where you can go through each state and look up a bill number and access a full text search. I started by going through each state and adding NIL to the full text search. I did this for each state in order to identify existing legislation as well as new bills. I also cross-checked the information by looking up the bill number and state to find if the state legislature had more specific information regarding the bill. I then reviewed each PDF version of the bill to identify the relevant data to be included in the database, and then added that information to the database. With regard to updating previous bills that were in the 2021 database, I looked up the state, the bill number, the year it was introduced, as well as searching for NIL and athlete compensation. It then brought me to the year the bill was introduced, as well as the current status, which allowed me to update and edit data on existing laws.

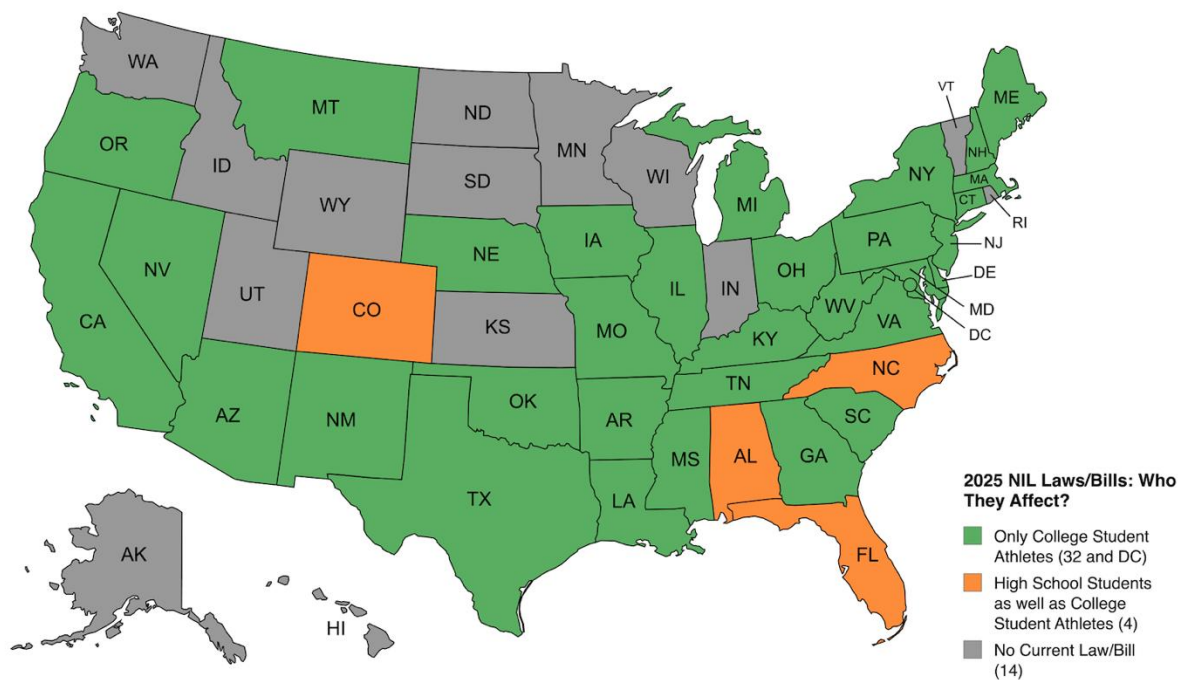
E. Limitations

- 1) The legislation and data included in this paper and database have been updated as of October 8th, 2025. Legislation or bills may have changed their status after the paper and database have been published.
- 2) The use of terminology in various bills may differ in meaning or specificity, and, like all laws, they are subject to future interpretations by executive agencies of government.

F. Results

States with Athlete NIL and Compensation Laws and Bills. As of October 8th 2025, the results were as follows with regard to the status of athlete NIL and compensation laws: Twenty-seven states (Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Montana, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, , South Carolina, Tennessee, Texas, and West Virginia), as well as Washington D.C, have adopted laws and currently, have no pending revisions. Four states (Iowa, Massachusetts, New Hampshire, and North Carolina) have new laws pending. Four states—Illinois, Pennsylvania, Michigan, and Virginia— have bills that are pending changes to current/existing laws. One state (Louisiana) has a draft release. Fourteen states (Alaska, Hawaii, Idaho, Indiana, Kansas, Minnesota, North Dakota, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming) have no laws or legislation pending. Figure 1 below graphically depicts these results.

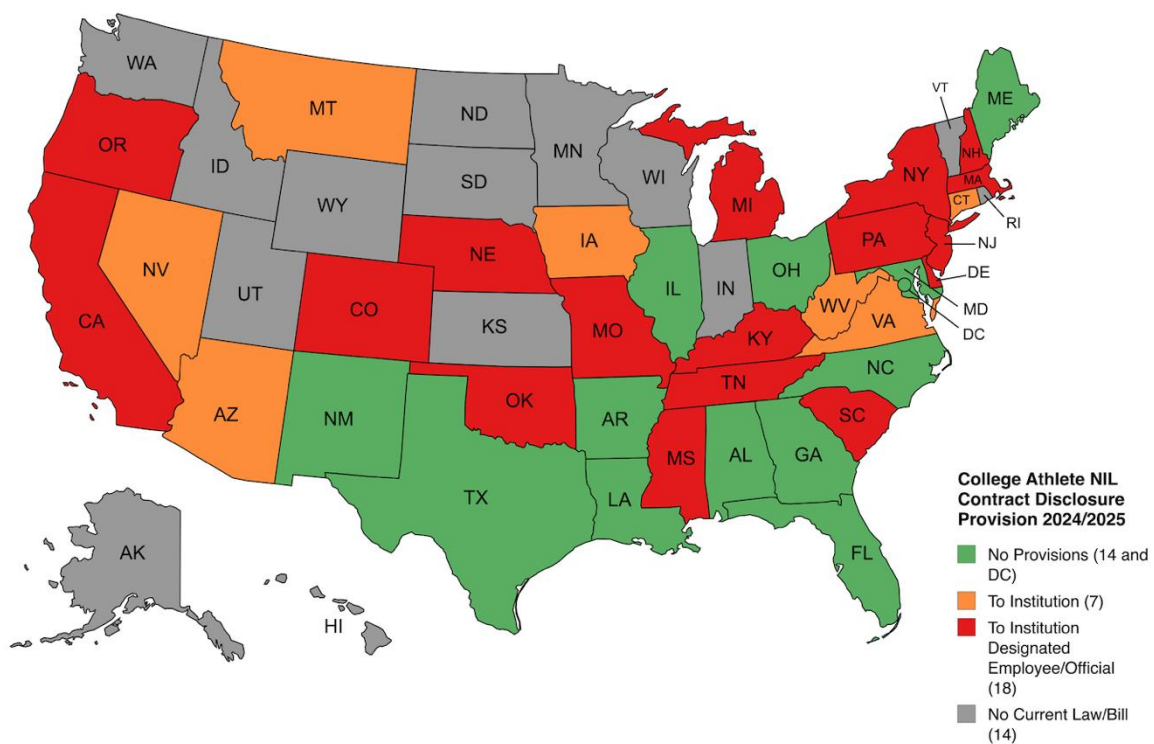
Figure 1. Status of State Athlete NIL and Compensation Laws and Bills
Proposed or Pending as of October 8, 2025



State Laws with College Athlete Contract Disclosure Provisions. Fourteen states and the District of Columbia (Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Maine, Maryland, New Mexico, North Carolina, Ohio, Rhode Island, Texas, Utah and DC) have no contract disclosure provisions in place, while seven states (Arizona, Connecticut, Iowa, Montana, Nevada, Virginia, and West Virginia) require disclosure to the institution and eighteen states (California, Colorado, Delaware, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, and Vermont) also require disclosure of the contract to the institution but specify to the institution’s designated employee/official. There are currently three bills that prohibit disclosure in response to FOIA requests or require the permission of the athlete for public disclosure. The three bills are North Carolina Senate Bill 225 (2025), Kentucky Senate Bill 3 (2025), and Kentucky Bill 6 (2025). As stated by Georgetown Law Technology Review, “At least twenty states compel student-athletes to disclose information related to NIL agreements. However, at least six states

counsel *against* disclosure and transparency. Louisiana, for example, has enacted a law rendering NIL contract information “confidential and not subject to inspection, examination, copying or reproduction pursuant to the Public Records Law.” Kentucky passed a law exempting NIL deals from the Kentucky Open Records Act and barring their public disclosure.” Eleven states (Alaska, Hawaii, Idaho, Indiana, Kansas, Minnesota, North Dakota, South Dakota, Washington, Wisconsin, and Wyoming) have no applicable laws/bills.

Figure 3. State Laws with College Athlete NIL Contract Provisions Proposed or Pending as of October 8th, 2025



Other NIL/Compensation Bill Provisions of Interest. Table 1 below highlights policy areas of interest to state legislators that have not yet garnered widespread support. However, the fact that bills are being proposed indicates that there are practices or concerns that elected representatives are trying to address, but about which they have not yet reached

consensus. These concerns deserve mention because they may be harbingers of future state laws.

Table 1. States with Other NIL/Compensation Bill Provisions of Interest that may or may not have been adopted

Bill Title/Theme	States L= Law P= Pending D= Died	Number of States
a.Extension of NIL Rights to High School Athletes	Alabama (D), Florida(D), Kentucky(L), North Carolina(P)	4
b.Income Tax Exemptions or Tax Deduction for NIL Earnings	Alabama(D), Arkansas (L) Georgia(D), Louisiana(D), North Carolina (P)	5
c. Employment Status and Contract Restrictions	Arizona (L)	1
d. Amend Existing NIL Rights Acts / Publicity Rights	Arkansas(L), Nebraska(D), Oklahoma(L), Illinois(P)	4
e. General NIL Support / Compensation Rights	Colorado(L), Connecticut(D), Iowa(P), Oregon(L), Pennsylvania(P), Utah(D), Virginia(P), West Virginia(L)	8
f. Endorsement Contracts / Revenue Sharing	Connecticut(D)	1
g. Athlete Agent & Collective Regulation	Florida(D), Pennsylvania(P), North Carolina (P)	3
h. Scholarship Impact Based on NIL Income	Illinois(P)	1
i. Institutional Agreements & Oversight	Kentucky(L), Michigan(P)	2
j. Right to Earn NIL (Broad Protections)	New Hampshire(P), New Jersey(L), Texas(L)	3
k. Special Acts (Unique Naming or Protections)	North Carolina(P), Washington D.C.(L)	2
l. Revisions / Updates to Existing NIL Law	Nevada(L), Tennessee(L)	2

I briefly discuss each of the above topics below.

a. Extension of NIL Rights to High School Athletes. Only one state, Kentucky, has adopted a law giving high school athletes NIL rights. North Carolina is considering

following suit with a bill currently pending. Alabama and Florida proposed bills to do the same, but those efforts died in committee.

b. Income Tax Exemptions or Tax Deduction for NIL Earnings. Five states—Alabama, Arkansas, Georgia, Louisiana, and North Carolina— have tried to advance bills that would give college athletes earning NIL income with state income tax exemptions or enjoy tax deductions on certain amounts of NIL earnings or for related expenditures. Notably, Alabama, Georgia, and Louisiana initiatives died in committee. North Carolina is a pending bill, and Arkansas’s bill was passed into law.

c. Employment Status and Contract Restrictions. One state, Arizona, has adopted a law that declares that earning NIL compensation does not make an athlete an “employee” of the institution. Provisions that outline employment status and/or contract restrictions. The employment status provision refers to whether the money that the student-athletes are earning from NIL deals classifies them as employees of their institution, team, or sponsor. College athletes are considered amateurs, not employees, under NCAA rules. Contract restrictions provisions refer to the limitations/rules on NIL agreements made by the institution, conference, NCAA, and state.

d. Amending Existing NIL Right Acts and Publicity Acts. Four states- Arkansas, Illinois, Nebraska, and Oklahoma have tried to advance bills. These four states have had previous NIL laws that were enacted into law. Now, for the 2025 legislative year, they have introduced new bills that correct or amend previous NIL rights. For example, in Arkansas’s bill, they previously had limited publicity rights; now, with the new bill, it expands and clarifies that student athletes can enter into contracts and receive compensation for commercial use of their publicity rights. There are also changes regarding funding limits for intercollegiate athletic programs at state schools. For Illinois, they want to amend the Student-Athlete Endorsement Rights Act, which provides that if a student-athlete earns

more than \$250,000 from the use of the name, image, likeness, or voice of the student-athlete, then any academic scholarship granted to the student-athlete shall be reduced by \$1 per dollar the student-athlete earns over \$250,000. For Oklahoma, the bill allows colleges or approved third parties to pay or represent student-athletes for their NIL, but not with state funds. It also protects athletes' rights, allows schools to cancel rule-breaking deals without liability, updates contract rules, and takes effect immediately. The bill updates Nebraska's NIL law to allow certain payments and representation for student-athletes while banning the use of state funds for those payments. It also protects athletes' control over their NIL, lets schools cancel noncompliant deals without liability, updates contract rules, and takes effect immediately. Arkansas and Oklahoma have adopted the law to amend existing NIL rights acts and publicity acts; Illinois hopes to do the same, but the bill is still pending. Nebraska, on the other hand, proposed the bill, but it died in committee.

e. General NIL Support and/or Compensation Rights: Eight states- Colorado, Connecticut, Iowa, Oregon, Pennsylvania, Utah, Virginia, and West Virginia have all proposed the bill regarding new laws that allow student athletes to earn money or receive benefits for the use of their NIL. Colorado, Oregon, and West Virginia have passed the bills into law. Iowa, Pennsylvania, and Virginia have not yet been enacted into law and are currently pending bills, while Utah and Connecticut proposed bills but have died in committee.

f. Endorsement Contracts and Revenue Sharing: One state, Connecticut, proposed the bill, but it died in committee. The bill would have allowed colleges/institutions to pay their student-athletes through endorsement deals and revenue-sharing agreements, meaning athletes could earn money from promotions or receive a share of the money their school earns through their athletics programs.

g. Athlete Agent and Collective Regulation: Three states, Florida, Pennsylvania, and North Carolina, have outlined this provision within their bills. For Florida, the bill set rules for athlete agents and NIL collectives, including capping agent fees at five percent and requiring anyone advising student-athletes to register with schools. Pennsylvania proposed the bill to set rules for athlete agents and NIL advisors, making sure they follow certain limits and act properly when helping student athletes. It also gives athletes protection and rights, which creates ways to enforce the rules to ensure deals are fair and transparent. North Carolina's bill is an act to authorize NIL agency contracts and to exempt NIL contracts from public records requirements. Pennsylvania and North Carolina are currently pending bills; Florida's proposed bill died in committee.

h. Scholarship Impact-Based on NIL Income - One state, Illinois, proposed the bill, and is still a pending bill. As I stated in one of the previous points above the bill amends the Student-Athlete Endorsement Rights Act. Provides that if a student-athlete earns more than \$250,000 from the use of the name, image, likeness, or voice of the student-athlete, then any academic scholarship granted to the student-athlete shall be reduced by \$1 per dollar the student-athlete earns over \$250,000.

i. Institutional Agreement and Oversight: Two states- Kentucky and Michigan. Both states had the provision outlined in their proposed bills. Kentucky's bill outlines that an institution or affiliated corporation may designate, through contract, sublicense or other written agreement, a media rights holder or one or more other third parties with whom an institution's student-athletes may directly enter into NIL agreements consistent with the prevailing range of compensation. For Michigan the bill outlines an act to prohibit postsecondary educational institutions in this state and certain athletic organizations from preventing a college athlete from receiving compensation for the use of the college athlete's name, image, or likeness rights; to provide for certain other measures related to the

protection of a college athlete's use of the college athlete's name, image, or likeness rights; to provide for the powers and duties of certain state governmental officers and entities; and to provide remedies. Kentucky's bill was passed, while Michigan's current status on the outlined bill is pending.

j. Right to Earn NIL (Broad Protections)- Three states: New Hampshire, New Jersey, and Texas have outlined this provision within their proposed bills. New Hampshire's bill is an act relative to the right of intercollegiate student athletes to earn compensation through the use of their NIL within certain parameters. New Jersey's bill establishes protections for student-athletes and certain institutions of higher education concerning NIL compensation; repeals the "New Jersey Fair Play Act." Texas's bill outlines an act relating to the compensation and professional representation of prospective student athletes and student athletes participating in intercollegiate athletic programs at certain institutions of higher education. Texas and New Jersey have enacted their bills into law, while New Hampshire hopes to follow suit, as it is currently a pending bill.

k. Special Acts (Unique Naming or Protections): One state- North Carolina, as well as Washington, D.C, has proposed bills outlining the provision. North Carolina's bill as I outlined above is an act to authorize NIL agency contracts and to exempt NIL from public records requirements. Washington D.C's bill outlines to permit an institution, conference, or athletic association to assist a college athlete in selecting, arranging for, or providing payment to a NIL agent and in selecting, arranging for, or collecting payment from a third party engaged in specific name, image, or likeness agreements with college athletes, and to remove the prohibition against institutions or conferences providing compensation to a college athlete for the use of the athlete's NIL. Washington, D.C has passed and enacted the bill into law; North Carolina's bill is currently is still pending.

I. Revisions/Updates to Existing NIL Laws: Two states- Nevada and Tennessee.

Both states proposed bills outlining the provisions to revise/update existing NIL laws.

Nevada's bill outlines an act relating to education; revising provisions relating to the compensation of student athletes for the use of their NIL; revising provisions relating to contracts for compensation for the use of the NIL of student athletes; making confidential certain information and contracts relating to the compensation of student athletes for the use of their NIL; and providing other matters properly relating thereto. Tennessee's bill outlines that an intercollegiate athlete may perform diligence and receive compensation related to the use of the intercollegiate athlete's NIL, the intercollegiate athlete's enrollment at an institution, roster position with its athletics program, or any other categories of compensation available to or received by similarly situated intercollegiate athletes in interstate commerce. Both states have passed their bills and have been enacted into law.

F. Discussion

It is evident that since state NIL laws were first introduced in 2019, these laws have advanced from allowing college athletes to earn NIL compensation from third parties outside a school or college to inspiring broader proposals that appear to recognize athletes as employees entitled to wages, collective bargaining rights, and other employment benefits and legal protections. This can be seen in several proposed bills, for example, the state of California introduced The College Athlete Protection Act 2023, and in the 2023/2024 legislative year, New York proposed The College Athlete Bill of Rights. The concerns of legislators have progressed from a student-athlete being able to earn compensation to many states now discussing student-athletes being classified as employees. Even though many of these proposed bills didn't pass, the thought of student-athletes being called employees is a big change and reflects an ongoing national debate in many states.

As stated by an article called "The Legal Battle: Student Athlete or Employee?" by Ave

Maria School of Law, “For decades, the NCAA has insisted that college athletes are ‘student-athletes’ rather than employees, exempting universities from paying wages, benefits, or recognizing union rights. However, this classification is under increasing legal scrutiny, particularly after the ruling in *Johnson v. NCAA*, where the Third Circuit returned the case to a lower court to apply an appropriate employee test.

The potential exists for courts to find that college athletes are employees. If this happens, that decision would have profound implications for college athletes who might lose the current athletic scholarship tax deduction they enjoy, have to pay significant taxes on earned income, etc., and for institutions who must incur significant salary and benefits expense and pay the employer portion of employee taxes. Athletes now earning NIL compensation would not be considered employees. Rather, they would most likely be categorized as independent third-party contractors. It should be noted that 2025 legislative proposals included many bills that stated student-athletes should not be considered employees, and many of the bills had no provisions or mention of employment.

Overall, this database is very beneficial for many reasons. As previously mentioned, it may be helpful for schools in different states that are in the same conference to see what their opponents in other states are being allowed or prohibited from doing and whether these differences create a competitive advantage or disadvantage, especially with regard to athletes being recruited by multiple institutions in different states.

Another area that appears to be drawing the interest of policymakers is whether athlete compensation agreements will be accessible to the media under state ‘sunshine’ laws or ‘freedom of information’ laws now applicable to public institutions.-While public institutions are expected to be transparent in the use of public funds, will this transparency commitment extend to athlete NIL and compensation agreements, now commonplace as a result of the *House v. NCAA* settlement. Given such questions, it is easy to understand why

a uniform federal law applicable to all higher education institutions receiving federal funds is necessary.

References

Anon. (2025) *Plaintiffs in Colorado lawsuit v. NCAA ask judge to deny settlement* - ESPN (2024) ESPN.com. ESPN. Retrieved from: https://www.espn.com/college-sports/story/_/id/40799015/plaintiffs-ncaa-lawsuit-ask-judge-deny-settlement.

Associated Press. (2024, August 9) *Plaintiffs in Colorado lawsuit v. NCAA ask judge to deny settlement*. ESPN.com (2024, August 9). Retrieved from: https://www.espn.com/college-sports/story/_/id/40799015/plaintiffs-ncaa-lawsuit-ask-judge-deny-settlement

Balser, Jimmy. (2025). *Johnson v. National Collegiate Athletic Association: Third Circuit Allows College Athletes' Claim for Wages to Move Forward*. Congress.gov. Retrieved from: <https://www.congress.gov/crs-product/LSB11223>

Frazzini, Kevin, (2023, September 5). *As Some Athletes Cash In, States and Colleges Mull Rules on NIL, Sports Betting*. National Conference of State Legislatures. Retrieved from: <https://www.ncsl.org/events/details/as-some-athletes-cash-in-states-and-colleges-mull-rules-on-nil-sports-betting?>

Reddy, Sanjay. (2024) *NIL and Data Transparency: Implications for Student-Athletes*, Georgetown Law Technology Review. Retrieved from: <https://georgetownlawtechreview.org/nil-and-data-transparency-implications-for-student-athletes/GLTR-05-2024/>.

Jenna. (2025, March 24) *The Drake Group Report: An Analysis of Objections to the Proposed Settlement of College Athlete NIL Litigation (aka House/Carter v. NCAA and Power Five conferences)*. The Drake Group, Inc. Retrieved from: <https://www.thedrakegroup.org/2025/03/24/the-drake-group-report-an-analysis-of-objections-to-the-proposed-settlement-of-college-athlete-nil-litigation-aka-house-carter-v-ncaa-and-power-five-conferences/>.

Dougherty, Jesse. (2025, June 9) *Congress could soon introduce a very NCAA-friendly bill*, The Washington Post. Retrieved from: <https://www.washingtonpost.com/sports/2025/06/09/ncaa-antitrust-protection/> (Accessed: 8 October 2025).

LegiScan. (2025) National Legislative Search
Legiscan.com. Retrieved from: <https://legiscan.com/gaits/search>

Lowndes. (2025, August 5) *Can Student-Athletes be Considered Employees?* Lowndes-Law.com. (August 5, 2025). <https://www.lowndes-law.com/newsroom/insights/can-student-athletes-be-considered-employees>

NCAA. (2021). *Name, Image, Likeness*. NCAA.org. Retrieved from: <https://www.ncaa.org/sports/2021/7/9/name-image-likeness.aspx>

Supreme Court. (2021). *SUPREME COURT OF THE UNITED STATES*. Retrieved from: https://www.supremecourt.gov/opinions/20pdf/20-512_gfbh.pdf

The Drake Group Education Fund. (2021) *State-by-State Legislation on College Athlete Name/Image/Likeness – A Drake Database*. (2021) [TheDrakeGroupEducationFund.org](https://www.thedrakegroupeducationfund.org). Retrieved from: <https://www.thedrakegroupeducationfund.org/2020/09/27/state-by-state-legislation-on-college-athlete-name-image-likeness-a-drake-database/>

Wyatt, Edward. (2025). *The Legal Battle: Student-Athlete or Employee?* Avemarialaw.edu. Retrieved from: <https://www.avemarialaw.edu/the-legal-battle-student-athlete-or-employee/>