

2023 -- H 5340

LC000428

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- COMPENSATION FOR STUDENTS PARTICIPATING IN
INTERCOLLEGIATE ATHLETICS

Introduced By: Representatives Solomon, McNamara, and Casey

Date Introduced: February 03, 2023

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 112

4 COMPENSATION FOR STUDENTS PARTICIPATING IN INTERCOLLEGIATE

5 ATHLETICS

6 **16-112-1. Compensation for students participating in intercollegiate athletics.**

7 (a)(1) A postsecondary educational institution in this state, whether public or private, shall
8 not uphold any rule, requirement, standard, or other limitation that prevents a student of that
9 institution from participating in intercollegiate athletics and also earning compensation as a result
10 of the use of the student's name, image, or likeness. Earning compensation from the use of a
11 student's name, image, or likeness shall not affect the student's scholarship eligibility.

12 (2) An athletic association, conference, or other group or organization, with authority over
13 intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association
14 (NCAA), shall not prevent a student athlete from earning compensation as a result of the use of the
15 student's name, image, or likeness.

16 (3) An athletic association, conference, or other group or organization with authority over
17 intercollegiate athletics, including, but not limited to, the NCAA, shall not prevent a postsecondary
18 educational institution from participating in intercollegiate athletics as a result of the compensation

1 of a student athlete for the use of the student's name, image, or likeness.

2 (b) A postsecondary educational institution, athletic association, conference, or other group
3 or organization with authority over intercollegiate athletics shall not provide a prospective student,
4 who shall participate in intercollegiate athletics, with compensation in relation to the student's
5 name, image, or likeness.

6 (c)(1) A postsecondary educational institution, athletic association, conference, or other
7 group or organization, with authority over intercollegiate athletics, shall not prevent a student
8 athlete in this state from obtaining professional representation in relation to contracts or legal
9 matters, including, but not limited to, representation provided by an athlete agent or legal
10 representation provided by an attorney.

11 (2) Professional representation obtained by a student athlete shall be from persons licensed
12 by the state. An athlete agent representing a student athlete for purposes of earning compensation,
13 as a result of the use of the student's name, image, or likeness, shall be registered under chapter
14 74.1 of title 5. An attorney representing a student athlete for purposes of earning compensation, as
15 a result of the use of the student's name, image, or likeness, shall be licensed to practice in the state.

16 (3) An athlete agent representing a student athlete shall comply with the federal Sports
17 Agent Responsibility and Trust Act in 15 U.S.C. Ch. 104 § 7801-7807 in their relationships with
18 the student.

19 (d) A scholarship from the postsecondary educational institution, in which a student is
20 enrolled that meets the cost of attendance, is not compensation for purposes of this chapter, and a
21 scholarship shall not be revoked as a result of the student earning compensation or obtaining
22 professional or legal representation under this chapter.

23 (e)(1) A student athlete shall not enter into a contract providing compensation to the
24 student, for use of the student's name, image, or likeness, if a provision of such contract is in conflict
25 with a provision of the student's team contract.

26 (2) A postsecondary educational institution asserting a conflict under subsection (e)(1) of
27 this section, shall disclose the relevant contractual provisions that are in conflict with the student's
28 team contract, to the student athlete or the athlete's representative.

29 (3) A student athlete who enters into a contract providing compensation to the student for
30 use of the student's name, image, or likeness, shall disclose the contract to an official of the
31 postsecondary educational institution in which he or she is enrolled, to be designated by the
32 institution.

33 (f) A team contract of a postsecondary educational institution's athletic program shall not
34 prevent a student athlete from using the student's name, image, or likeness for a commercial purpose

1 when the student is not engaged in official team activities. This subsection applies only to contracts
2 entered into, modified, or renewed on or after January 1, 2025.

3 (g) For purposes of this chapter:

4 (1) The term "postsecondary educational institution" means a state university or college,
5 or a private college or university.

6 (2) The term "student athlete" means a student of a postsecondary educational institution
7 who participates in intercollegiate athletics.

8 (h) The council on postsecondary education, established by chapter 59 of title 16, shall
9 promulgate regulations and rules, to implement and administer this chapter.

10 SECTION 2. This act shall take effect on January 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- COMPENSATION FOR STUDENTS PARTICIPATING IN
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1 This act would expressly allow college athletes, while they are students, to personally profit
2 from the use of their name, image, and likeness, and prohibit the NCAA from preventing these
3 practices.

4 This act would take effect on January 1, 2024.

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