Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3701 through 3703, relative to intercollegiate athletics; to provide relative to the compensation and rights of intercollegiate athletes; to provide with respect to professional representation of intercollegiate athletes; to provide for the responsibilities of postsecondary education institutions with respect to intercollegiate athletes' compensation; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3701 through 3703 is hereby enacted to read as follows:

CHAPTER 30. INTERCOLLEGIATE ATHLETICS

§3701. Legislative intent

The legislature finds that intercollegiate athletics provide intercollegiate athletes with significant educational opportunities. However, participation in intercollegiate athletics should not infringe upon an intercollegiate athlete's ability to earn compensation for the athlete's name, image, or likeness. An intercollegiate athlete must have an equal opportunity to control and profit from the commercial use of the athlete's name, image, or likeness, and be

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
protected from unauthorized appropriation and commercial exploitation of the
athlete's right to publicity, including the athlete's name, image, or likeness.

§3702. Definitions

As used in this Chapter, the following terms and phrases shall have the
following meaning, unless the context clearly indicates otherwise:

(1) "Athletic booster" means a person or entity that has participated in
or has been a member of an organization promoting a postsecondary education
institution's athletic program.

(2) "Athletic program" means an intercollegiate athletic program at a
postsecondary education institution.

(3) "Intercollegiate athlete" means a student enrolled in a postsecondary
education institution who participates in an athletic program.

(4) "Postsecondary education institution" means a Louisiana public
postsecondary education institution or nonpublic postsecondary institution that
receives or disburse any form of state student financial assistance, including
scholarships and grants.

§3703. Intercollegiate athlete's compensation and rights; responsibilities of
postsecondary education institutions

A.(1) An intercollegiate athlete at a postsecondary education institution
may earn compensation for the use of the athlete's name, image, or likeness.
Compensation must be commensurate with the market value of the authorized
use of the athlete's name, image, or likeness.

(2) To preserve the integrity, quality, character, and amateur nature of
intercollegiate athletics and to maintain a clear separation between amateur
intercollegiate athletics and professional sports, a postsecondary education
institution, an entity whose purpose includes supporting or benefitting such
institution or its intercollegiate athletic programs, or an officer, director,
employee, or agent of such institution or entity shall not provide a current or
prospective athlete with compensation for the use of the student athlete's name,
image, or likeness.
B. A postsecondary education institution shall not adopt or maintain a contract, rule, regulation, standard, or other requirement that prevents or unduly restricts an intercollegiate athlete from earning compensation for the use of the athlete's name, image, or likeness. Earning compensation shall not affect the intercollegiate athlete's grant-in-aid or athletic eligibility.

C. A postsecondary education institution, or an officer or employee of a postsecondary education institution, shall not compensate or cause compensation to be directed to a current or prospective intercollegiate athlete for the athlete's name, image, or likeness.

D. A postsecondary education institution shall not use an athletic booster to, nor shall an athletic booster, directly or indirectly, create or facilitate compensation opportunities for the use of an intercollegiate athlete's name, image, or likeness as a recruiting inducement or as a means of paying for athletics participation.

E.(1) A postsecondary education institution may prohibit an intercollegiate athlete from using the athlete's name, image, or likeness for compensation if the proposed use of the athlete's name, image, or likeness conflicts with either of the following:

(a) Existing institutional sponsorship agreements or contracts.

(b) Institutional values as defined by the postsecondary education institution.

(2) An intercollegiate athlete shall not earn compensation for the use of the athlete's name, image, or likeness for the endorsement of tobacco, alcohol, illegal substances or activities, banned athletic substances, or any form of gambling including sports wagering.

(3) An intercollegiate athlete shall not use a postsecondary education institution's facilities, uniforms, registered trademarks, products protected by copyright, or official logos, marks, colors, or other indicia in connection with the use of the athlete's name, image, or likeness without the express permission of the postsecondary education institution. In granting this permission, a
postsecondary education institution may require the third-party entity engaging
the athlete for a name, image, or likeness activity to follow the protocols
established by the postsecondary education institution, including licensing
protocols.

F.(1) A postsecondary education institution shall not prevent or unduly
restrict an intercollegiate athlete from obtaining professional representation by
an athlete agent or an attorney engaged for the purpose of securing
compensation for the use of the athlete's name, image, or likeness.

(2) Professional representation obtained by an intercollegiate athlete
shall be from persons registered with or licensed for such activity by the state
as follows:

(a)(i) Representation provided by an athlete agent shall be by persons
registered with the state in accordance with, and in compliance with, the
provisions of Chapter 7 of Title 4 of the Louisiana Revised Statutes of 1950.
However, the notification provisions of R.S. 4:424(D)(3) shall not apply to an
athlete agent who contacts an intercollegiate athlete for the sole purpose of
representing the athlete in matters pertaining to the use of the athlete's name,
image, or likeness.

(ii) An athlete agent representing an intercollegiate athlete shall comply
with the federal Sports Agent Responsibility and Trust Act, 15 U.S.C.
7801-7807, in his relationship with the intercollegiate athlete.

(b) An attorney representing an intercollegiate athlete shall be duly
licensed to practice law.

G. A grant-in-aid, including cost of attendance, awarded to an
intercollegiate athlete by a postsecondary education institution is not
compensation for the purposes of this Chapter and shall not be revoked or
reduced as a result of an intercollegiate athlete earning compensation or
obtaining professional or legal representation pursuant to this Chapter.

H. A contract for compensation for the use of the name, image, or
likeness of an intercollegiate athlete under eighteen years of age shall be
executed on the athlete's behalf by the athlete's parent or legal guardian.

I. An intercollegiate athlete's contract for compensation for the use of the athlete's name, image, or likeness shall not violate the provisions of this Chapter.

J.(1) An intercollegiate athlete shall not enter into a contract for compensation for the use of the athlete's name, image, or likeness if a term of the contract conflicts with a term of the intercollegiate athlete's athletic program's team contract.

(2) A postsecondary education institution asserting a conflict under this Subsection shall disclose each relevant contract term that conflicts with the team contract to the intercollegiate athlete or the athlete's representative.

K. An intercollegiate athlete who enters into a contract for compensation for the use of the athlete's name, image, or likeness shall disclose the contract to the postsecondary education institution in which the athlete is enrolled, in the manner designated by the institution.

L. The duration of a contract for representation of an intercollegiate athlete or compensation for the use of an intercollegiate athlete's name, image, or likeness shall not extend beyond his participation in an athletic program at a postsecondary education institution.

M.(1) A postsecondary education institution shall conduct a financial literacy and life skills workshop for a minimum of five hours at the beginning of an intercollegiate athlete's first and third academic years.

(2)(a) The workshop shall, at a minimum, include information concerning financial aid, debt management, and a recommended budget for full and partial grant-in-aid intercollegiate athletes based on the cost of attendance for the current academic year. The workshop shall also include information on time management skills necessary for success as an intercollegiate athlete and available academic resources.

(b) The workshop shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.
N. (1) Each postsecondary education management board shall adopt policies to implement the provisions of this Chapter.

(2) No postsecondary education institution shall implement the provisions of this Chapter until such time as the appropriate management board adopts the required policies. Each management board has discretion as to when it adopts policies to implement the provisions of this Chapter.

Section 2. 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. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ______________