SENATE BILL 191

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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AN ACT

RELATING TO ATHLETICS; ENACTING THE STUDENT ATHLETE ENDORSEMENT
ACT; PROHIBITING IMPOSITION OF LIMITATIONS AGAINST STUDENT
ATHLETES AND CERTAIN OTHER INDIVIDUALS EARNING COMPENSATION
FROM THE USE OF THEIR NAME, IMAGE OR LIKENESS; ALLOWING FOR THE
PROFESSIONAL REPRESENTATION OF A STUDENT ATHLETE BY AN AGENT
FOR MATTERS ARISING FROM THE USE OF THE STUDENT ATHLETE'S NAME,
IMAGE OR LIKENESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

    SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Student Athlete Endorsement Act".

    SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Student Athlete Endorsement Act:

        A. "post-secondary educational institution" means
an academic, vocational, technical, business, professional or

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1   other school, college or university or other organization or

2   person offering or purporting to offer courses, instruction,

3   training or education from a physical site in New Mexico,

4   through distance education, correspondence or in person; and

5   B.   "student athlete" means an individual who

6   engages in an intercollegiate sport.

7   SECTION 3.   [NEW MATERIAL] STUDENT ATHLETE COMPENSATION.--

8   A.   A post-secondary educational institution shall

9   not:

10   (1)   prohibit or otherwise prevent a student

11   athlete from earning compensation as a result of the use of the

12   student athlete's name, image or likeness; or

13   (2)   withhold or revoke a scholarship as a

14   result of a student athlete earning compensation or obtaining

15   professional representation pursuant to the Student Athlete

16   Endorsement Act.

17   B.   An athletic association or athletic conference

18   shall not prohibit or otherwise prevent:

19   (1)   a student athlete from earning

20   compensation as a result of the use of the student athlete's

21   name, image or likeness;

22   (2)   an individual who earned compensation as

23   the result of the use of the individual's name, image or

24   likeness before enrollment in a post-secondary educational

25   institution from participating in intercollegiate athletics on

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1   the basis of the individual's earned compensation for the use

2   of the individual's name, image or likeness; or

3   (3)   a post-secondary educational institution

4   from participating in intercollegiate athletics as a result of

5   a student athlete or an individual described pursuant to

6   Paragraph (2) of this subsection earning compensation for the

7   use of the student athlete's or individual's name, image or

8   likeness.

9   C.   A post-secondary educational institution,

10 athletic association or athletic conference shall not provide a

11 student athlete or other individual described pursuant to

12 Paragraph (2) of Subsection B of this section with compensation

13 in relation to the athlete's or individual's name, image or

14 likeness.   Nothing in this subsection shall be construed to

15 prohibit a post-secondary educational institution from

16 providing a scholarship to a student athlete for attendance at

17 that post-secondary educational institution, provided that the

18 scholarship is not provided to compensate the student athlete

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

20 SECTION 4.   [NEW MATERIAL] PROFESSIONAL REPRESENTATION.--A

21 post-secondary educational institution, athletic association or

22 athletic conference shall not prohibit or otherwise prevent a

23 student athlete or an individual who may attend a post-

24 secondary educational institution from obtaining professional

25 representation by an agent in relation to contracts or legal

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matters arising from the use of the student athlete's or

individual's name, image or likeness.

SECTION 5. APPLICABILITY.--The provisions of this act

apply to contracts entered into on and after July 1, 2020.

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