

SENATE BILL 94

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Mark Moores and Bill B. O'Neill and Antonio Maestas

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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.

.218797.1AIC February 19, 2021 (4:50pm)

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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 other school, college or university or other organization or person offering or purporting to offer courses, instruction, training or education from a physical site in New Mexico, through distance education, correspondence or in person;

SJC→and←SJC

B. "student athlete" means an individual who engages in an intercollegiate sport SJC→; and

C. "third party" means an individual or entity other than a post-secondary educational institution, athletic association or athletic conference←SJC .

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

A. A post-secondary educational institution shall not:

(1) SJC→~~prohibit or otherwise prevent a student athlete from earning compensation as a result of the use of the student athlete's name, image or likeness; or~~

~~(2) withhold or revoke a scholarship as a result of a student athlete earning compensation or obtaining~~

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~~professional representation pursuant to the Student Athlete Endorsement Act.~~ ←SJC SJC→ uphold any rule, requirement, standard or other limitation that prevents a student athlete of that institution from fully participating in athletics without penalty:

(a) for receiving food, shelter, medical expenses or insurance from a third party; or

(b) for earning compensation from a third party as a result of the use of the student athlete's name, image, likeness or athletic reputation;

(2) prohibit or discourage a student athlete from wearing footwear of the student athlete's choice during official, mandatory team activities so long as the footwear does not have reflective fabric or lights or pose a health risk to a student athlete;

(3) prevent a student athlete from receiving third-party compensation for using the student athlete's name, image, likeness or athletic reputation when the student athlete is not engaged in official, mandatory team activities; or

(4) 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. ←SJC

SJC→~~B. An athletic association or athletic~~

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~~conference shall not prohibit or otherwise prevent:~~

~~(1) a student athlete from earning compensation as a result of the use of the student athlete's name, image or likeness;~~

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

~~(3) a post-secondary educational institution from participating in intercollegiate athletics as a result of a student athlete or an individual described pursuant to Paragraph (2) of this subsection earning compensation for the use of the student athlete's or individual's name, image or likeness.~~←SJC

SJC→B. Earning compensation from the use of a student athlete's name, image, likeness or athletic reputation shall not affect a student athlete's grant-in-aid or stipend eligibility, amount, duration or renewal. For the purposes of this section, a grant-in-aid or stipend shall not be revoked or reduced as a result of a student athlete earning compensation pursuant to this section.←SJC

SJC→C. ~~A post-secondary educational institution,~~

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~~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. Nothing in this subsection shall be construed to prohibit a post-secondary educational institution from providing a scholarship to a student athlete for attendance at that post-secondary educational institution, provided that the scholarship is not provided to compensate the student athlete for use of the student athlete's name, image or likeness.~~←SJC

SJC→C. A third party shall not offer a student athlete a contract to provide compensation to the student athlete for use of the student athlete's name, image, likeness or athletic reputation that requires a student athlete to advertise for the sponsor in person during official, mandatory team activities without the approval of the student athlete's post-secondary educational institution.←SJC

SECTION 4. [NEW MATERIAL] PROFESSIONAL REPRESENTATION.-

SJC→-~~A post-secondary educational institution, athletic association or athletic conference shall not prohibit or otherwise prevent a student athlete or an individual who may attend a post-secondary educational institution from obtaining professional representation by an agent in relation to contracts or legal matters arising from the use of the student~~

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~~athlete's or individual's name, image or likeness.~~←SJC SJC→A
post-secondary educational institution shall not interfere with
or prevent a student athlete from fully participating in
athletics for obtaining representation unaffiliated with a
post-secondary educational institution or its partners in
relation to contracts or legal matters. An entity or
individual that represents a post-secondary educational
institution or has represented that post-secondary educational
institution in the previous four years shall not represent a
student athlete who is attending that post-secondary
educational institution in any business agreement.←SJC

SECTION 5. APPLICABILITY.--The provisions of this act
apply to contracts entered into on and after July 1, 2021.

- 6 -