

1 SENATE BILL 94

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

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

5
6
7
8
9
10 AN ACT

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

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

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

.218797.1

underscored material = new
[bracketed material] = delete

underscored material = new
~~[bracketed material] = delete~~

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

.218797.1

underscored material = new
~~[bracketed material] = delete~~

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

.218797.1

underscoring material = new
~~[bracketed material] = delete~~

1 matters arising from the use of the student athlete's or
2 individual's name, image or likeness.

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