

1 HOUSE BILL 302

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Ambrose Castellano and Antonio Maestas

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10 AN ACT

11 RELATING TO SCHOOL ACTIVITIES; PROHIBITING IMPOSITION OF
12 LIMITATIONS AGAINST ALL SCHOOL-AGE PERSONS FROM THE USE OF
13 THEIR NAMES, IMAGES, LIKENESSES OR REPUTATIONS; ALLOWING FOR
14 THE PROFESSIONAL REPRESENTATION OF ALL SCHOOL-AGE PERSONS BY AN
15 AGENT FOR MATTERS ARISING FROM THE USE OF THE SCHOOL-AGE
16 PERSONS' NAMES, IMAGES, LIKENESSES OR REPUTATIONS.

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

19 SECTION 1. A new section of Chapter 22, Article 2 NMSA
20 1978 is enacted to read:

21 "[NEW MATERIAL] STUDENT ATHLETE COMPENSATION--PROFESSIONAL
22 REPRESENTATION.--

23 A. The department shall not:

24 (1) uphold any rule, requirement, standard or
25 other limitation promulgated by an association or organization

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1 attempting to regulate a public school activity if that rule,
2 requirement, standard or other limitation prevents a school-age
3 person from fully participating in that activity without
4 penalty:

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

7 (b) for earning compensation from a
8 third party as a result of the use of the school-age person's
9 name, image, likeness or reputation;

10 (2) prohibit or discourage a school-age person
11 from wearing footwear of the school-age person's choice during
12 that activity so long as the footwear does not pose a health
13 risk to the school-age person;

14 (3) prevent a school-age person from receiving
15 third-party compensation for using the school-age person's
16 name, image, likeness or reputation when the school-age person
17 is not engaged in that activity; or

18 (4) arrange third-party compensation for the
19 use of a school-age person's name, image, likeness or
20 reputation or use such deals as inducements to recruit
21 prospective school-age persons.

22 B. Earning compensation from the use of a school-
23 age person's name, image, likeness or reputation shall not
24 affect a school-age person's grant-in-aid or stipend
25 eligibility, amount, duration or renewal. For the purposes of

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1 this section, a grant-in-aid or stipend shall not be revoked or
2 reduced as a result of a school-age person's earning
3 compensation pursuant to this section.

4 C. A third party shall not offer a school-age
5 person a contract to provide compensation to the school-age
6 person for use of the school-age person's name, image, likeness
7 or reputation that requires the school-age person to advertise
8 for the sponsor in person during that activity without the
9 approval of the school-age person's public school.

10 D. Neither the department, nor the school-age
11 person's public school, nor the association or organization
12 attempting to regulate the public school activity shall
13 interfere with or prevent a school-age person from fully
14 participating in the activity for obtaining representation
15 unaffiliated with the department, the school-age person's
16 public school or the association or organization attempting to
17 regulate the public school activity or their partners in
18 relation to contracts or legal matters. An entity or
19 individual that represents the department, the school-age
20 person's public school or the association or organization
21 attempting to regulate the public school activity or has
22 represented the department, the school-age person's public
23 school or the association or organization attempting to
24 regulate the public school activity in the previous four years
25 shall not represent a school-age person who is attending that

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public school in any business agreement."