

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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. SHORT TITLE.--This act may be cited as the
"Student Athlete Endorsement Act".

SECTION 2. 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;

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

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

1 SECTION 3. STUDENT ATHLETE COMPENSATION.--

2 A. A post-secondary educational institution shall
3 not:

4 (1) uphold any rule, requirement, standard
5 or other limitation that prevents a student athlete of that
6 institution from fully participating in athletics without
7 penalty:

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

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

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

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

23 (4) arrange third-party compensation for the
24 use of a student athlete's name, image, likeness or athletic
25 reputation or use such deals as inducements to recruit

1 prospective student athletes.

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

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

16 SECTION 4. PROFESSIONAL REPRESENTATION.--A

17 post-secondary educational institution shall not interfere
18 with or prevent a student athlete from fully participating in
19 athletics for obtaining representation unaffiliated with a
20 post-secondary educational institution or its partners in
21 relation to contracts or legal matters. An entity or
22 individual that represents a post-secondary educational
23 institution or has represented that post-secondary
24 educational institution in the previous four years shall not
25 represent a student athlete who is attending that

1 post-secondary educational institution in any business
2 agreement.

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

SB 94
Page 4

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25