

ASSEMBLY BILL NO. 254—ASSEMBLYMEN FRIERSON, WATTS, JAUREGUI, C.H. MILLER, CARLTON; BILBRAY-AXELROD, BROWN-MAY, GONZÁLEZ, GORELOW, MARTINEZ, MARZOLA, BRITTNEY MILLER, MONROE-MORENO, ORENTLICHER, THOMAS AND TORRES

MARCH 12, 2021

Referred to Committee on Education

SUMMARY—Revises provisions governing collegiate athletics. (BDR 34-879)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; prohibiting certain entities from compensating a student athlete for the use of the name, image or likeness of the student athlete; providing that a student athlete may be compensated for the use of the name, image or likeness of the student athlete by certain organizations; directing the Legislative Committee on Education to appoint a committee to conduct an interim study relating to the use of the name, image or likeness of a student athlete; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill establishes various provisions relating to student athletes at the
2 postsecondary level. **Section 5** of this bill generally prohibits an institution or a
3 national collegiate athletic association from: (1) preventing a student athlete from
4 being compensated for the use of the name, image or likeness of the student athlete
5 or obtaining professional services, with certain exceptions; and (2) compensating a
6 student athlete for the use of the name, image or likeness of the student athlete.
7 **Section 6** of this bill authorizes a student athlete to enter into a contract with an
8 organization other than an institution or a national collegiate athletic association
9 that provides for the student athlete to be compensated for the use of the name,
10 image or likeness of the student athlete. **Section 6** prohibits such a contract from
11 conflicting with a contract between the student athlete and the institution in which
12 the student athlete is enrolled. **Section 6** sets forth the responsibilities of a student
13 athlete and the institution regarding such a contract.



14 **Section 8** of this bill requires the Legislative Committee on Education to
15 appoint a committee to conduct an interim study concerning the use of the name,
16 image and likeness of a student athlete.

17 **Sections 2-4** of this bill define related terms. **Section 7** of this bill makes a
18 conforming change to indicate the proper placement of **sections 2-4** in the Nevada
19 Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 398 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
3 act.

4 **Sec. 2.** *“Compensation” does not include, without limitation,*
5 *a scholarship.*

6 **Sec. 3.** *“Intercollegiate sport” means a sport played at the*
7 *collegiate level for which eligibility requirements for participation*
8 *by a student athlete are established by a national association that*
9 *promotes or regulates collegiate athletics.*

10 **Sec. 4.** *“Student athlete” means a person who is eligible to*
11 *attend an institution and engages in, is eligible to engage in, or*
12 *may be eligible in the future to engage in, any intercollegiate*
13 *sport. The term does not include a person permanently ineligible*
14 *to participate in a particular intercollegiate sport for that sport.*

15 **Sec. 5. 1.** *An institution shall not:*

16 *(a) Uphold or enforce any rule of a national collegiate athletic*
17 *association that prevents a student athlete enrolled in the*
18 *institution from being compensated for the use of the name, image*
19 *or likeness of the student athlete by an organization other than the*
20 *institution or a national collegiate athletic association;*

21 *(b) Except as otherwise provided by subsection 2, prevent a*
22 *student athlete from being compensated for the use of the name,*
23 *image or likeness of the student athlete;*

24 *(c) Compensate a prospective or current student athlete of the*
25 *institution for the use of the name, image or likeness of the*
26 *student athlete;*

27 *(d) Prevent a student athlete from obtaining professional*
28 *services; or*

29 *(e) Alter, withhold or otherwise reduce the amount of a*
30 *scholarship awarded to a student athlete solely because a student*
31 *athlete is compensated for the use of the name, image or likeness*
32 *of the student athlete by an organization other than the institution*
33 *or a national collegiate athletic association or because the student*
34 *athlete obtains professional services.*



1 2. *An institution may prohibit a student athlete from being*
2 *compensated for the use of the name, image or likeness of the*
3 *student athlete if the use of the name, image or likeness is related*
4 *to official activities of the institution or intercollegiate sports at the*
5 *institution.*

6 3. *A national collegiate athletic association shall not:*

7 (a) *Prevent a student athlete enrolled at an institution from*
8 *participating in intercollegiate sports solely because the student*
9 *athlete is compensated for the use of the name, image or likeness*
10 *of the student athlete by an organization other than the institution*
11 *or the national collegiate athletic association;*

12 (b) *Prevent an institution from being a member of or*
13 *participating in the activities of the national collegiate athletic*
14 *association solely because a student athlete who is enrolled at the*
15 *institution is compensated for the use of the name, image or*
16 *likeness of the student athlete by an organization other than the*
17 *institution or the national collegiate athletic association;*

18 (c) *Compensate a prospective or current student athlete of an*
19 *institution for the use of the name, image or likeness of the*
20 *student athlete; or*

21 (d) *Prevent a student athlete from obtaining professional*
22 *services.*

23 4. *As used in this section, "professional services" includes,*
24 *without limitation, representation regarding contracts or other*
25 *legal matters, including, without limitation, representation*
26 *provided by an attorney or an athlete agent pursuant to chapter*
27 *398A of NRS.*

28 **Sec. 6.** *1. A student athlete may enter into a contract with*
29 *an organization other than an institution or a national collegiate*
30 *athletic association that provides for the student athlete to be*
31 *compensated for the use of the name, image or likeness of the*
32 *student athlete. A contract entered into pursuant to this subsection*
33 *may not conflict with any provision of a contract between the*
34 *student athlete and the institution in which the student athlete is*
35 *enrolled.*

36 2. *A student athlete who enters into a contract pursuant to*
37 *subsection 1 must disclose the contract to the institution in which*
38 *the student athlete is enrolled.*

39 3. *If the institution in which the student athlete is enrolled*
40 *alleges that a provision of a contract entered into pursuant to*
41 *section 1 conflicts with a provision of a contract between the*
42 *student athlete and the institution, the institution shall inform the*
43 *student athlete and, if the student athlete has legal representation,*
44 *the attorney of the student athlete of the alleged conflict.*



1 **Sec. 7.** NRS 398.005 is hereby amended to read as follows:
2 398.005 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 398.045, 398.055 and
4 398.061 *and sections 2, 3 and 4 of this act* have the meanings
5 ascribed to them in those sections.

6 **Sec. 8.** 1. The Legislative Committee on Education shall
7 appoint a committee to conduct an interim study concerning the use
8 of the name, image and likeness of a student athlete.

9 2. The interim committee must consist of:

10 (a) The Chancellor of the Nevada System of Higher Education,
11 or his or her designee;

12 (b) A representative of a community college athletic association
13 located in this State, if any;

14 (c) At least two student athletes enrolled in a community
15 college, state college or university in this State;

16 (d) An administrator of an athletics program at a community
17 college, state college or university in this State;

18 (e) A coach of an athletics program at a community college,
19 state college or university in this State;

20 (f) One member appointed by the Speaker of the Assembly; and

21 (g) One member appointed by the Majority Leader of the
22 Senate.

23 3. The Legislative Committee on Education shall appoint a
24 Chair and Vice Chair from among the members of the interim
25 committee.

26 4. The interim committee shall study and examine existing
27 bylaws of state collegiate athletic associations and national
28 collegiate athletic associations and state and federal laws relating to
29 compensating a student athlete for the use of the name, image or
30 likeness of the student athlete.

31 5. The Legislative Committee on Education shall submit a
32 report of the results of the study, including any recommendations for
33 legislation to the Director of the Legislative Counsel Bureau for
34 transmission to the 82nd Session of the Nevada Legislature.

35 6. As used in this section:

36 (a) "National collegiate athletic association" has the meaning
37 ascribed to it in NRS 398.055.

38 (b) "Student athlete" means a person who is eligible to attend an
39 institution and engages in, is eligible to engage in, or may be
40 eligible in the future to engage in, any intercollegiate sport. The
41 term does not include a person permanently ineligible to participate
42 in a particular intercollegiate sport for that sport.

43 **Sec. 9.** 1. This section becomes effective upon passage and
44 approval.

45 2. Sections 1 to 8, inclusive, of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting
- 2 regulations and performing any preparatory administrative tasks that
- 3 are necessary to carry out the provisions of this act; and
- 4 (b) On October 1, 2021, for all other purposes.

