

Amendment No. 201

Assembly Amendment to Assembly Bill No. 254	(BDR 34-879)
Proposed by: Assembly Committee on Education	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 254—ASSEMBLYMEN FRIERSON, WATTS, JAUREGUI, C.H. MILLER, CARLTON; BILBRAY-AXELROD, BROWN-MAY, GONZÁLEZ, GORELOW, MARTINEZ, MARZOLA, BRITNEY 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:

This bill establishes various provisions relating to student athletes at the postsecondary level. **Section 5** of this bill generally prohibits an institution or a national collegiate athletic association from: (1) preventing a student athlete from being compensated for the use of the name, image or likeness of the student athlete or obtaining professional services, with certain exceptions; and (2) compensating a student athlete for the use of the name, image or likeness of the student athlete.

Section 6 of this bill authorizes a student athlete to enter into a contract with an organization other than an institution or a national collegiate athletic association that provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete. **Section 6** prohibits such a contract from conflicting with a contract between the student athlete and the institution in which the student athlete is enrolled. **Section 6** sets forth the responsibilities of a student athlete and the institution regarding such a contract.

Section 6.3 of this bill authorizes an institution to require a student athlete to receive education to prepare a student athlete to enter into contracts. Section 6.7 of this bill requires a student athlete to disclose any previous or existing contracts held by the student athlete that provided or provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete.

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

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

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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 thereto the
2 provisions set forth as sections 2 to ~~6.~~ 6.7., inclusive, of this act.

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

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

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

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

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

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

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

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

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

30 2. *An institution may ~~prohibit~~ :*

31 *(a) Adopt a policy that imposes reasonable restrictions on a student athlete*
32 *entering into a contract pursuant to section 6 of this act that provides for the*
33 *student athlete to be compensated for the use of the name, image or likeness of*
34 *the student athlete with an organization or person whose goods, services or*
35 *mission are contrary to the mission of the institution; and*

36 *(b) Prohibit a student athlete from being compensated for the use of the*
37 *name, image or likeness of the student athlete if the use of the name, image or*
38 *likeness is related to official activities of the institution or intercollegiate sports at*
39 *the institution.*

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

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

45 (b) *Prevent an institution from being a member of or participating in the*
46 *activities of the national collegiate athletic association solely because a student*

1 *athlete who is enrolled at the institution is compensated for the use of the name,*
2 *image or likeness of the student athlete by an organization other than the*
3 *institution or the national collegiate athletic association;*

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

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

7 4. *As used in this section, "professional services" includes, without*
8 *limitation, representation regarding contracts or other legal matters, including,*
9 *without limitation, representation provided by an attorney or an athlete agent*
10 *registered pursuant to chapter 398A of NRS.*

11 **Sec. 6. 1.** *A student athlete may enter into a contract with an organization*
12 *other than an institution or a national collegiate athletic association that provides*
13 *for the student athlete to be compensated for the use of the name, image or*
14 *likeness of the student athlete. A contract entered into pursuant to this subsection*
15 *may not conflict with any provision of a contract between the student athlete and*
16 *the institution in which the student athlete is enrolled.*

17 2. *A student athlete who enters into a contract pursuant to subsection 1*
18 *must disclose the contract to the institution in which the student athlete is*
19 *enrolled.*

20 3. *If the institution in which the student athlete is enrolled alleges that a*
21 *provision of a contract entered into pursuant to subsection 1 conflicts with a*
22 *provision of a contract between the student athlete and the institution, the*
23 *institution shall inform the student athlete and, if the student athlete has legal*
24 *representation, the attorney of the student athlete of the alleged conflict.*

25 **Sec. 6.3.** *An institution may require a student athlete to take courses or*
26 *receive education or training in contracts, financial literacy or any other subject*
27 *the institution deems necessary to prepare a student athlete to enter into*
28 *contracts.*

29 **Sec. 6.7.** *A prospective student athlete shall disclose any previous or*
30 *existing contract held by the student athlete that provided or provides for the*
31 *student athlete to be compensated for the use of the name, image or likeness of*
32 *the student athlete to an institution before signing a letter of intent with the*
33 *institution.*

34 **Sec. 7.** NRS 398.005 is hereby amended to read as follows:

35 398.005 As used in this chapter, unless the context otherwise requires, the
36 words and terms defined in NRS 398.045, 398.055 and 398.061 **and sections 2, 3**
37 **and 4 of this act** have the meanings ascribed to them in those sections.

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

41 2. The interim committee must consist of:

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

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

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

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

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

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

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

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

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

7 5. The Legislative Committee on Education shall submit a report of the
8 results of the study, including any recommendations for legislation to the Director
9 of the Legislative Counsel Bureau for transmission to the 82nd Session of the
10 Nevada Legislature.

11 6. As used in this section:

12 (a) “National collegiate athletic association” has the meaning ascribed to it in
13 NRS 398.055.

14 (b) “Student athlete” means a person who is eligible to attend an institution and
15 engages in, is eligible to engage in, or may be eligible in the future to engage in,
16 any intercollegiate sport. The term does not include a person permanently ineligible
17 to participate in a particular intercollegiate sport for that sport.

18 **Sec. 9.** 1. This section ~~becomes~~ **and section 8 become** effective upon
19 passage and approval.

20 2. Sections 1 to ~~8,~~ **7,** inclusive, of this act become effective:

21 (a) Upon passage and approval for the purpose of adopting regulations and
22 performing any preparatory administrative tasks that are necessary to carry out the
23 provisions of this act; and

24 (b) On ~~October 1, 2021,~~ **January 1, 2022,** for all other purposes.