

**SENATE BILL No. 474**

By Committee on Ways and Means

2-26

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1 AN ACT concerning postsecondary educational institution student  
2 athletes; relating to compensation for the use of a student athlete's  
3 name, image, likeness rights or athletic reputation.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. As used in this act:

7 (a) "Act" means sections 1 through 6, and amendments thereto.

8 (b) "Athletic association" means an athletic association, conference or  
9 other group or organization with authority over, or that is recognized as a  
10 regulatory or promotional authority by, postsecondary educational  
11 institutions participating in intercollegiate athletics, including, but not  
12 limited to, the national collegiate athletic association.

13 (c) "Athlete agent" means an athlete agent as defined in the uniform  
14 athlete agents act who has obtained and maintains a current certificate of  
15 registration as set forth in the uniform athlete agents act and who complies  
16 with the federal sports agent responsibility and trust act, 15 U.S.C. § 7801  
17 et seq., established in chapter 104 of title 15 of the United States code.

18 (d) "Intercollegiate athletics" means sports played at the collegiate  
19 level for which eligibility requirements for participation by a student  
20 athlete are established by an athletic association that promotes or regulates  
21 collegiate athletics.

22 (e) "Postsecondary educational institution" means a public or private  
23 institution in this state that offers a degree or course of study beyond grade  
24 12 and its controlled athletics entities. "Postsecondary educational  
25 institution" includes a technical college, municipal university, community  
26 college, college, university, state educational institution and not-for-profit  
27 corporation controlled by an educational institution for the sole purpose of  
28 operating its athletic program.

29 (f) "Student athlete" or "athlete" means a participant in varsity  
30 intercollegiate athletics who is a student at a postsecondary educational  
31 institution registered for courses full-time on the first day of class of a  
32 semester, session or term or who practices or competes in intercollegiate  
33 athletics.

34 Sec. 2. (a) A postsecondary educational institution shall not create or  
35 enforce any rule, requirement, standard or other limitation that prevents a  
36 student athlete of that institution from earning compensation as a result of

1 the use of the student athlete's name, image, likeness rights or athletic  
2 reputation. The earning of compensation by a student athlete from the use  
3 of a student athlete's name, image, likeness rights or athletic reputation  
4 shall not affect a student athlete's scholarship eligibility or scholarship  
5 renewal eligibility, unless otherwise required by federal laws or  
6 institutional standards governing need-based awards due to income  
7 received.

8 (b) An athletic association shall not:

9 (1) Prevent, restrict, impose any condition or penalty upon or  
10 otherwise limit a student athlete of a postsecondary educational institution  
11 from fully participating in intercollegiate athletics and earning  
12 compensation as a result of the student athlete's use of the student athlete's  
13 name, image, likeness rights or athletic reputation; or

14 (2) prevent, restrict, impose any condition or penalty upon or  
15 otherwise limit a postsecondary educational institution, its employees or  
16 volunteers from fully participating in intercollegiate athletics as a result of  
17 a student athlete's use of the student athlete's name, image, likeness rights  
18 or athletic reputation to earn compensation.

19 (c) A postsecondary educational institution or athletic association  
20 shall not provide a prospective student athlete who will attend a  
21 postsecondary educational institution or a current student athlete with  
22 compensation in relation to the athlete's name, image, likeness rights or  
23 athletic reputation.

24 (d) For the purposes of this act, an athletics grant-in-aid or a stipend  
25 scholarship from a postsecondary educational institution in which a  
26 student athlete is enrolled shall not be considered compensation for use of  
27 a student athlete's name, image, likeness rights or athletic reputation, and  
28 no postsecondary educational institution shall revoke or reduce an athletics  
29 grant-in-aid or stipend scholarship as a result of a student athlete earning  
30 compensation in accordance with this act, unless otherwise required by  
31 federal laws or institutional standards governing need-based awards due to  
32 income received.

33 Sec. 3. (a) A postsecondary educational institution or athletic  
34 association shall not:

35 (1) Interfere with or prevent a student athlete who is enrolled at a  
36 postsecondary educational institution within the state of Kansas and who  
37 participates in intercollegiate athletics from obtaining professional  
38 representation in relation to contracts or legal matters, including, but not  
39 limited to, representation provided by an athlete agent or legal  
40 representation provided by an attorney; or

41 (2) interfere with or prevent a student athlete from fully participating  
42 in intercollegiate athletics as a result of the student athlete obtaining  
43 professional representation in relation to contracts or legal matters,

1 including, but not limited to, representation provided by an athlete agent or  
2 legal representation provided by an attorney.

3 (b) An athletic association shall not prevent, restrict, impose any  
4 condition or penalty upon or otherwise limit a postsecondary educational  
5 institution from fully participating in intercollegiate athletics as a result of  
6 a student athlete obtaining professional representation in relation to  
7 contracts or legal matters, including, but not limited to, representation  
8 provided by an athlete agent or legal representation provided by an  
9 attorney.

10 (c) Professional representation on behalf of a student athlete by an  
11 athlete agent or attorney shall only be provided by persons licensed by this  
12 state or holding certificates of registration as provided by applicable  
13 Kansas law, including the uniform athlete agents act, and who are in  
14 compliance with such Kansas law and the federal sports agent  
15 responsibility and trust act, 15 U.S.C. § 7801 et seq., established in chapter  
16 104 of title 15 of the United States code.

17 Sec. 4. (a) A student athlete shall be deemed to have granted the  
18 student's postsecondary educational institution the right, royalty-free and  
19 without compensation in return therefor, to use the student athlete's name,  
20 image, likeness rights or athletic reputation and any alterations thereto, to  
21 the extent and in the form determined in the institution's sole discretion, at  
22 any time for its advertising and marketing related to the postsecondary  
23 educational institution's athletic, academic, promotional and historical  
24 interests. Any contractual provision in a contract between a student athlete  
25 and a third-party sponsor or athlete agent in conflict with this provision is  
26 null and void.

27 (b) A student athlete shall not enter into a contract providing  
28 compensation to the student athlete for use of the student athlete's name,  
29 image, likeness rights or athletic reputation if a provision of that contract is  
30 in conflict with a provision of a contract entered into by the postsecondary  
31 educational institution's department or an affiliated entity, including, but  
32 not limited to, a contract that requires the student athlete to display a  
33 sponsor's apparel, or otherwise advertise for a sponsor, during official team  
34 activities if such provision is in conflict with a provision of a contract  
35 binding the postsecondary educational institution.

36 (c) A postsecondary educational institution asserting a conflict  
37 described in subsection (b) shall disclose to the student athlete and the  
38 student athlete's professional representative, if applicable, the full contract  
39 that the postsecondary educational institution asserts is in conflict and  
40 shall designate the relevant contractual provisions asserted to be in  
41 conflict.

42 (d) A postsecondary educational institution or its athletic program  
43 shall not enter into a contract that prevents a student athlete from receiving

1 compensation for using the student athlete's name, image, likeness rights  
2 or athletic reputation for a commercial purpose when the student athlete is  
3 not engaged in official team activities.

4 (e) A student athlete who enters into a contract providing  
5 compensation to the student athlete for the use of the student athlete's  
6 name, image, likeness rights or athletic reputation shall disclose the  
7 contract to an official of the postsecondary educational institution to be  
8 designated by the postsecondary educational institution. Notice of the  
9 official to receive disclosure of the contract shall be provided to all student  
10 athletes by the postsecondary educational institution upon request or prior  
11 to the first day of class of a semester, session or term. A student athlete  
12 shall provide disclosure of a contract within five business days of the date  
13 of signature of the contract by the student athlete.

14 (f) This act shall not authorize prospective student athletes who may  
15 attend a postsecondary educational institution to negotiate, discuss or  
16 receive compensation for the use of the prospective student athlete's name,  
17 image, likeness rights or athletic reputation prior to the student athlete's  
18 enrollment in a postsecondary educational institution or practice or  
19 competition in intercollegiate athletics.

20 Sec. 5. (a) This act shall not apply to a contract executed, modified or  
21 renewed by a student athlete before the effective date of this act.

22 (b) A legal settlement arising under this act shall not permit  
23 noncompliance with this act.

24 Sec. 6. (a) The attorney general shall certify to the secretary of state  
25 when a total of 15 other states have enacted legislation similar to this act,  
26 permitting student athletes to receive compensation from the use of their  
27 name, image, likeness rights or athletic reputation. Upon receipt of such  
28 certification, the secretary of state shall cause a notice of such certification  
29 to be published in the Kansas register.

30 (b) The provisions of sections 1 through 5, and amendments thereto,  
31 shall take effect from and after July 1 following the publication of the  
32 notice by the secretary of state in the Kansas register as provided by  
33 subsection (a).

34 Sec. 7. This act shall take effect and be in force from and after its  
35 publication in the statute book.