

NCAA Name, Image, and Likeness Legislation Chart

Updated as of March 3, 2021. Please see Miller Nash Graham & Dunn's recent article "[NCAA Name, Image, and Likeness Update.](#)"

Enacted State Laws					
State	Effective Date	Permits Agent Representation of NCAA Athletes	Specified Agent Compliance Standards	Student-Athlete Disclosure of NIL Contracts	Institutional Sponsorship Carve-Out
<u>California</u>	January 1, 2023	Yes.	Agents must comply with The Sports Agent Responsibility and Trust Act ("SPARTA") and be licensed by the state.	Yes, must disclose to institution contact upon entering into NIL contract.	Student-athletes may not enter into contracts that conflict with a provision of the student-athlete's team contract; institution must disclose the contract provisions in conflict.
<u>Colorado</u>	January 1, 2023	Yes.	None, provided that any person providing legal representation to a student must be a licensed attorney.	Yes, must disclose contracts to Athletic Director within 72 hours after signing or before next athletic event, whichever is sooner.	Student-athletes may not enter into contracts that conflict with a contract of the team for which the athlete competes; institution must disclose the contract provisions in conflict.
<u>Florida</u>	July 1, 2021	Yes.	Agents must be licensed under Chapter 468, Part IX of the Florida Statutes (and accordingly, comply with state athlete agent laws).	Yes, must disclose in the manner designated by the institution.	Student-athletes may not enter into contracts if a term of the contract conflicts with the student-athlete's team contract; institution must disclose each term that conflicts with the team contract to assert a conflict.
<u>Michigan</u>	December 31, 2022	Yes.	None, provided that professional representation, including but not limited to, athlete agent, financial advisor, or attorney must be licensed in Michigan.	Yes, must disclose to a designated official of the institution for review at least 7 days prior to committing to the NIL deal.	Student-athletes may not enter into contracts that require the student to display a sponsor's apparel, or otherwise advertise for a sponsor, during official team activities if the provision is in conflict with a provision of the student athlete's team contract.
<u>Nebraska</u>	On or before July 1, 2023	Yes.	Professional representation includes, but is not limited to, agents holding a certificate of registration under the Nebraska Uniform Athlete Agents Act.	Yes, must disclose to an official of the institution, to be designated by the institution in writing.	Student-athletes may not enter into NIL contracts that require the student to display sponsor apparel or advertise during official team activities, or that otherwise conflicts with a team contract; institution must disclose the team contract asserted to be in conflict.

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<u>New Jersey</u>	Start of the institution's 2025-2026 academic year	Yes.	Agents must comply with SPARTA; legal representation shall be by attorneys licensed by the state.	Yes, must disclose to an official designated by the institution.	Student-athletes may not enter into contracts that conflict with a provision of the student-athlete's team contract, or that is connected to certain restricted categories (including adult entertainment, alcohol, gambling, sports betting, tobacco and smoking devices, prescription pharmaceuticals, controlled substances, and weapons).

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Proposed State Laws			
State	Proposed Effective Date (Earliest Possible)	State	Proposed Effective Date (Earliest Possible)
Alabama	January 1, 2023	Nevada	None indicated
Alaska	None indicated	New Hampshire	July 1, 2022
Arizona	September 1, 2021	New Mexico	July 1, 2021
Arkansas	None indicated	New York	January 1, 2023
Connecticut	July 1, 2023	North Carolina	January 1, 2023
Delaware	None indicated	North Dakota	None indicated
Georgia	January 1, 2022	Ohio	None indicated
Hawaii	June 18, 2050	Oklahoma	January 1, 2022
Illinois	January 1, 2023	Oregon	January 1, 2023
Indiana	None indicated	Pennsylvania	July 1, 2020
Idaho	None indicated	Rhode Island	January 1, 2022
Iowa	Effective on enactment	South Carolina	January 1, 2022
Kansas	January 1, 2022	South Dakota	None indicated
Kentucky	July 1, 2023	Tennessee	July 1, 2021
Louisiana	January 1, 2023	Texas	January 1, 2023
Maine	None indicated	Utah	None indicated
Maryland	July 1, 2021	Vermont	January 1, 2023
Massachusetts	January 1, 2022	Virginia	July 1, 2024
Minnesota	January 1, 2024	Washington	January 1, 2023
Mississippi	None indicated	West Virginia	None indicated
Missouri	July 1, 2022	Wisconsin	None indicated
Montana	None indicated	Wyoming	None indicated

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Proposed Federal Bills		
Bill	Status	Bill Summary
<u>Student Athlete Level Playing Field Act</u>	Introduced by Representatives Anthony Gonzalez (R-OH) and Rep. Emanuel Cleaver (D-MO) alongside Representatives Colin Allred (D-TX), Rodney Davis (R-IL), Josh Gottheimer (D-NJ), Jeff Duncan (R-SC), Marcia Fudge (D-OH), and Steve Stivers (R-OH) on September 24, 2020.	<ul style="list-style-type: none"> • Granting student athletes the right to capitalize off their own NIL and engage in agent contracts. • The bill prohibits universities, the NCAA, or conferences from restricting student athletes from entering into NIL or agent contracts unless a contract falls into a category that could harm the reputation of a student athlete, such as tobacco or alcohol. The Federal Trade Commission ("FTC") will be the enforcing body, and student athletes can file a complaint with the FTC if they believe their rights are infringed upon. • Ensuring student athletes are not considered employees of universities. • Protecting the recruitment process by amending SPARTA to include a definition of "boosters," and details actions taken by boosters in the recruiting process that would be penalized through FTC enforcement.
<u>Fairness in Collegiate Athletics Act</u>	Introduced by Senator Marco Rubio (R-FL) on June 18, 2020.	<ul style="list-style-type: none"> • Require the NCAA to implement rules for student athletes to be compensated for their NIL by third parties by June 30, 2021. The NCAA must set forth, processes that, at a minimum: <ul style="list-style-type: none"> ○ Allow student athletes to obtain professional representation in matters related to NIL, subject to protections under the SPARTA; ○ Require student disclosure, at the time of agreement and payment, to both their university and the NCAA in a clear, uniform way; ○ Preserves amateur status; ○ Ensures appropriate recruitment of prospective student athletes; ○ Prevents nefarious "Boosters" from recruiting or retaining students. • Authorize FTC enforcement under unfair or deceptive practices statutes. • Provide safe harbor for implementing policies set forth.

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<u>College Athletes Bill of Rights</u>	Introduced by Senators Cory Booker (D-NJ), Richard Blumenthal (D-CT), Kirsten Gillibrand (D-NY), and Brian Schatz (D-HI) on December 17, 2020. A companion bill was introduced in the House by Representatives Jan Schakowsky (D-IL) and Steve Cohen (D-TN).	<ul style="list-style-type: none"> • Allow college athletes to market their NIL, either individually or as a group, with minimal restrictions. • Require revenue-generating sports to share 50 percent of their profit with the athletes from that sport after accounting for the cost of scholarships. • All college athletes receive a scholarship for as many years as it takes for them to receive an undergraduate degree. Coaches and athletic department personnel would be banned from influencing or retaliating against a college athlete for their choice of an academic course or major. • Establish a Medical Trust Fund that athletes can use to cover the costs of any out-of-pocket medical expenses for the duration of their time as a college athlete for five years after their eligibility expires if used to treat a sport-related injury.
<u>College Athlete Economic Freedom Act</u>	Introduced by Senator Chris Murphy (D-CT) and Representative Lori Trahan (D-MA) on February 4, 2021.	<ul style="list-style-type: none"> • Allow college athletes to market their NIL, either individually or as a group, by prohibiting colleges, conferences, and the NCAA from setting or enforcing rules that restrict this right or otherwise colluding to limit how athletes can use their NIL. • Protect athletes' right to organize to maximize their NIL opportunities through a collective representative to facilitate group licensing agreements or provide legal representation without interference from colleges, conferences, or the NCAA. • Protect athletes' ability to retain the legal or agency representation needed to fully exercise their NIL rights and prohibit the NCAA or conferences from regulating athlete representation. • Assert robust enforcement for violations by colleges, conferences, or the NCAA in restricting athletes' NIL rights, notably through asserting per se antitrust penalties, a private right of action for athletes to pursue civil action against violators, and authorizing the FTC to enact "unfair or deceptive practice" penalties. • Ensure equitable opportunities for college athletes to market their NIL.

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<u>The College Athlete and Compensation Rights Act</u>	Introduced by Senator Roger Wicker (R-Miss) on December 10, 2020.	<ul style="list-style-type: none"> • Permit student athletes to earn compensation for the use of their NIL. • Preserve amateurism by prohibiting institutions from classifying student athletes as employees and prohibiting boosters from directly or indirectly paying student athletes and their families for the use of their NIL. • Prohibit third parties from entering into NIL agreements or offering NIL agreements to a student athlete prior to enrollment at an institution; and • Authorize the FTC to select a private, independent, and nonprofit entity to be responsible for developing and administering NIL rules and direct the FTC to oversee all activities and approve all rules issued by the selected entity.
<u>The Amateur Athletes Protection and Compensation Act of 2021</u>	Introduced by Senator Jerry Moran (R-Kan.) on February 24, 2021.	<ul style="list-style-type: none"> • Prohibits the NCAA, conferences or schools from rendering an amateur athlete ineligible on the basis of entering into a contract or receiving covered compensation. • Requires institutions to cover health care cost related to athletic injuries or illness. • Establishes the Amateur Intercollegiate Athletics Corporation to create and enforce rules pertaining to NIL and create and enforce a formal certification process for amateur athlete representatives. • Protect athletes' status as a student by making certain students will not be considered employees of their institutions, conference or a national amateur athletic association based on their participation in sports.

This chart is intended to summarize legislation, but not to be used as a complete statement of the text of the rules or laws or how they apply to schools, agencies, individuals, and other stakeholders. Contact Miller Nash Graham & Dunn if you have questions about how NIL legislation may impact your institution.