

SENATE, No. 971

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Beach and Turner

SYNOPSIS

“New Jersey Fair Play Act”; allows collegiate student-athletes to earn compensation for use of name, image, or likeness.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/10/2020)

1 AN ACT concerning student-athletes at certain institutions of higher
2 education and supplementing chapter 3B of Title 18A of the New
3 Jersey Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. This act shall be known and may be cited as the “New Jersey
9 Fair Play Act.”

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11 2. a. A four-year institution of higher education shall not:
12 (1) uphold any rule, requirement, standard, or other limitation
13 that prevents a student of that institution participating in
14 intercollegiate athletics from earning compensation as a result of
15 the use of the student’s name, image, or likeness.

16 Except as otherwise provided pursuant to subsection b. of this
17 section, earning compensation from the use of a student’s name,
18 image, or likeness shall not affect the student’s institutional
19 scholarship eligibility. An institutional scholarship shall not be
20 considered compensation for the purposes of this act and a
21 scholarship shall not be revoked as a result of a student earning
22 compensation or obtaining professional representation;

23 (2) provide a prospective student-athlete with compensation in
24 relation to the student-athlete’s name, image, or likeness; or

25 (3) prevent a student participating in intercollegiate athletics
26 from obtaining professional representation in relation to contracts or
27 legal matters including, but not limited to, representation provided
28 by athlete agents or legal representation provided by attorneys.

29 Legal representation obtained by student-athletes shall be from
30 attorneys licensed by the State. Athlete agents representing student-
31 athletes shall comply with the federal “Sports Agent Responsibility
32 and Trust Act” (15 U.S.C. s.7801 et seq.) in their relationship with
33 student-athletes.

34 b. Notwithstanding the provisions of subsection a. of this
35 section to the contrary, a student participating in intercollegiate
36 athletics shall be prohibited from earning compensation as a result
37 of the use of the student’s name, image, or likeness in connection
38 with any person, company, or organization related to or associated
39 with the development, production, distribution, wholesaling, or
40 retailing of: adult entertainment products and services; alcohol
41 products; casinos and gambling, including sports betting, the
42 lottery, and betting in connection with video games, on-line games,
43 and mobile devices; tobacco and electronic smoking products and
44 devices; pharmaceuticals; a controlled dangerous substance; and
45 weapons, including firearms and ammunition.

46 Earning compensation from the use of a student’s name, image,
47 or likeness in connection with products and services listed pursuant

1 to this subsection shall result in the revocation of the student's
2 institutional scholarship eligibility.

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4 3. A four-year institution of higher education shall not be a
5 member of any athletic association, conference, or other group or
6 organization with authority over intercollegiate athletics including,
7 but not limited to, the National Collegiate Athletic Association,
8 that:

9 a. prohibits a student-athlete participating in intercollegiate
10 athletics from earning compensation as a result of the use of the
11 student's name, image, or likeness;

12 b. prohibits an institution of higher education from
13 participating in intercollegiate athletics as a result of the
14 compensation of a student-athlete for the use of the student's name,
15 image, or likeness;

16 c. provides a prospective student-athlete with compensation in
17 relation to the student-athlete's name, image, or likeness; or

18 d. prevents a student participating in intercollegiate athletics
19 from obtaining professional representation in relation to contracts or
20 legal matters including, but not limited to, representation provided
21 by athlete agents or legal representation provided by attorneys.

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23 4. a. A student-athlete who enters into a contract providing
24 compensation to the student-athlete for use of his name, image, or
25 likeness shall disclose the contract to an official of the four-year
26 institution of higher education, to be designated by the institution.

27 b. A student-athlete shall not enter into a contract providing
28 compensation to the student-athlete for use of his name, image, or
29 likeness if a provision of the contract:

30 (1) conflicts with a provision of the student-athlete's team
31 contract; or

32 (2) conflicts with the provisions of subsection b. of section 2 of
33 this act.

34 c. An institutional team contract shall not prevent a student-
35 athlete from using the athlete's name, image, or likeness for a
36 commercial purpose when the athlete is not engaged in official team
37 activities.

38 d. An institutional team contract shall allow the institution,
39 athletic association, conference, or other group or organization with
40 authority over intercollegiate athletics to use the athlete's name,
41 image, or likeness for advertising and marketing purposes without
42 additional compensation paid to the student-athlete.

43 e. An institution asserting a conflict pursuant to subsection b.
44 of this section shall disclose to the student-athlete and to the
45 student-athlete's professional representation the relevant contractual
46 provisions that are in conflict.

1 5. This act shall take effect immediately and shall first be
2 applicable in the fifth academic year following the date of
3 enactment.

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STATEMENT

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8 This bill allows certain collegiate student-athletes to earn
9 compensation for the use of their name, image, or likeness. Under
10 the bill, a four-year institution of higher education will be
11 prohibited from upholding any rule, requirement, standard, or other
12 limitation that prevents a student of that institution participating in
13 intercollegiate athletics from earning compensation as a result of
14 the use of the student's name, image, or likeness. Earning
15 compensation from the use of a student's name, image, or likeness
16 will not affect the student's institutional scholarship eligibility.

17 The bill specifies, however, that a student is prohibited from
18 earning compensation as a result of the use of the student's name,
19 image, or likeness in connection with any person, company, or
20 organization related to or associated with the development,
21 production, distribution, wholesaling, or retailing of: adult
22 entertainment products and services; alcohol products; casinos and
23 gambling, including sports betting, the lottery, and betting in
24 connection with video games, on-line games, and mobile devices;
25 tobacco and electronic smoking products and devices;
26 pharmaceuticals; controlled dangerous substances; and weapons,
27 including firearms and ammunition.

28 Under the bill, a four-year institution is prohibited from being a
29 member of any athletic association, conference, or other group or
30 organization with authority over intercollegiate athletics, including
31 but not limited to, the National Collegiate Athletic Association,
32 that:

- 33 • prohibits a student-athlete participating in intercollegiate
34 athletics from earning compensation as a result of the use
35 of the student's name, image, or likeness;
- 36 • prohibits an institution of higher education from
37 participating in intercollegiate athletics as a result of the
38 compensation of a student-athlete for the use of the
39 student's name, image, or likeness;
- 40 • provides a prospective student-athlete with compensation
41 in relation to the student-athlete's name, image, or
42 likeness; or
- 43 • prevents a New Jersey student participating in
44 intercollegiate athletics from obtaining professional
45 representation in relation to contracts or legal matters
46 including, but not limited to, representation provided by
47 athlete agents or legal representation provided by
48 attorneys.

S971 LAGANA, CUNNINGHAM

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1 The bill provides that a student-athlete who enters into a contract
2 providing compensation to the student-athlete for use of his name,
3 image, or likeness must disclose the contract to an official of the
4 four-year institution of higher education, to be designated by the
5 institution. An institutional team contract may not prevent a
6 student-athlete from using the athlete's name, image, or likeness for
7 a commercial purpose when the athlete is not engaged in official
8 team activities.