

HB 4119 STAFF MEASURE SUMMARY

House Committee On Higher Education

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Meeting Dates: 2/6

WHAT THE MEASURE DOES:

The measure makes changes to the rights of college athletes in Oregon to control and profit from their name, image, and likeness (NIL). It adds “athletic reputation” to the list of traits that the student has a right to earn money from. It also strengthens students’ rights under state law and gives liability protections to colleges and universities. The provisions apply to all actions relating to students’ rights taken on or after June 29, 2021. The measure declares an emergency and is effective on passage.

May have revenue impact, but no statement yet issued.

May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In June 2021, the [U.S. Supreme Court](#) issued its ruling on *National Collegiate Athletic Association v. Alston*, which upheld the rights of student athletes to receive compensation for the use of their name, image, or likeness (NIL).

Prior to this decision, the rules of the National Collegiate Athletic Association (NCAA) restricted student athletes from earning compensation other than the cost of attendance at their college or university. Leading up to *NCAA v. Alston*, at least 19 states, including California, passed legislation to prevent the NCAA’s rules, as well as those of other organizations and post-secondary institutions, from barring students from receiving compensation.

In June 2021, immediately following the *NCAA v. Alston* decision, the NCAA adopted a [name, image, and likeness policy](#) that permitted student athletes to benefit from sponsorships and outside payments, as long as they were consistent with the laws of the state where the student athlete’s institution was located. The number of states regulating NIL has since increased. According to the [National Conference of State Legislatures](#), at least 28 states that have passed laws regarding NIL as of September 2023.

[Senate Bill 5 \(2021\)](#), which guarantees student athletes’ NIL rights in Oregon, passed in June 2021, simultaneous to the *NCAA v. Alston* ruling and subsequent NCAA policy change.

On January 10, 2024, the NCAA Division I Council [adopted new rules](#) intended to protect student athletes engaged in NIL deals. The policy includes a voluntary registration process for agents and financial advisors who work with student athletes; requirements that student athletes disclose NIL agreements worth more than \$600 in value within 30 days of entering into the agreement; model contracts; and a commitment to develop educational resources for student athletes about NIL policies and rules.