

Enrolled House Bill 4119

Sponsored by Representatives LIVELY, HELFRICH, Senators HANSELL, MANNING JR; Representatives BOWMAN, BYNUM, DEXTER, GRAYBER, HOLVEY, MCINTIRE, RUIZ, WRIGHT (Presession filed.)

CHAPTER

AN ACT

Relating to student athletes; creating new provisions; amending ORS 702.200 and 702.205; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 702.200 is amended to read:

702.200. (1) As used in this section:

(a) “Athletic association, conference or organization with authority over intercollegiate sports” includes the National Collegiate Athletic Association.

(b) “Post-secondary institution of education” means:

(A) A public university listed in ORS 352.002.

(B) An Oregon-based, generally accredited, private institution of higher education.

(c)(A) “Student’s rights” means the rights of a student enrolled in a post-secondary institution of education to earn compensation for use of the student’s name, image, [or] likeness **or athletic reputation** and to contract with and retain professional representation or an athlete agent.

(B) “Student’s rights” does not include a right to receive compensation from a post-secondary institution of education.

(2)(a) Except as provided in this section, a post-secondary institution of education or an athletic association, conference or organization with authority over intercollegiate sports may not:

[(a)] (A) Prohibit, prevent or restrict a student athlete from exercising the student’s rights.

[(b)] (B) Penalize or retaliate against a student athlete for exercising the student’s rights.

[(c)] (C) Prohibit a student athlete from participating in an intercollegiate sport for exercising the student’s rights.

[(d)] (D) Impose an eligibility requirement on a scholarship or grant that requires a student athlete to refrain from exercising the student’s rights.

[(e)] (E) Prohibit a student athlete from receiving food, drink, lodging or medical expenses or insurance coverage from a third party as compensation for use of the student’s name, image, [or] likeness **or athletic reputation**.

(b) Except as provided in this section, an athletic association, conference or organization with authority over intercollegiate sports may not:

(A) Prevent a post-secondary institution of education or a student athlete from participating in intercollegiate sports, accept a complaint, open an investigation or take any other adverse action against a post-secondary institution of education or a student athlete as a result of a violation, or an alleged violation, of the rules or regulations of the athletic asso-

ciation, conference or organization related to a student athlete exercising the student's rights.

(B) Authorize, cause or allow any post-secondary institution of education that is a member of the association, conference or organization to take an action prohibited under paragraph (a) of this subsection.

(3)(a) A student athlete may not enter into a contract that provides compensation to the student athlete for use of the student athlete's name, image, [or] likeness **or athletic reputation** if terms of the contract conflict with the student athlete's team rules or with terms of a contract entered into between the student athlete's post-secondary institution of education and a third party, except neither the team rules nor a contract entered into between the post-secondary institution of education and a third party may prevent a student athlete from earning compensation for use of the student athlete's name, image, [or] likeness **or athletic reputation** when not engaged in official team activities, including participating in or being part of an advertisement that was created while not engaged in official team activities but that may otherwise be broadcasted, displayed or disseminated at any time.

(b) A student athlete who enters into a contract that provides compensation to the student athlete for use of the student athlete's name, image, [or] likeness **or athletic reputation** shall disclose the contract to an official of the post-secondary institution of education designated by the institution if the student athlete is a team member or, if the student athlete is not a team member, at the time the student athlete seeks to become a team member.

(c) If the post-secondary institution of education asserts that the terms of the contract conflict with the team rules or with terms of a contract entered into between the student athlete's post-secondary institution of education and a third party, the institution shall disclose the specific rules or terms asserted to be in conflict to the student athlete or to the student athlete's professional representative or athlete agent if the student athlete is represented.

(4) A post-secondary institution of education or an athletic association, conference or organization with authority over intercollegiate sports may not provide to a prospective or current student athlete compensation for use of the student athlete's name, image, [or] likeness **or athletic reputation**.

(5) A student athlete may not contract with or retain a person as the student athlete's [professional representative or] athlete agent, if the person represented **or was employed by** a post-secondary institution of education at any time in the preceding four years.

(6) Nothing in this section prohibits a post-secondary institution of education from establishing or enforcing a conduct code that is applicable to all students enrolled at the institution.

(7)(a) A student athlete's compensation for use of the student's name, image, likeness or athletic reputation may not be conditioned on the athletic performance of the student athlete.

(b) A person or entity that provides compensation to a student athlete for the use of the student athlete's name, image, likeness or athletic reputation may condition payment of the compensation on a student athlete's attendance at a particular post-secondary institution of education.

(8) An athletic association, conference or organization with authority over intercollegiate sports may not prohibit a post-secondary institution of education from identifying, facilitating, enabling or supporting opportunities for a current student athlete to exercise the student athlete's student's rights at the student athlete's post-secondary institution of education.

(9) A post-secondary institution of education, or an employee of a post-secondary institution of education, may not be held liable for any damages to a student athlete's ability to exercise the student athlete's student's rights due to any decision or action made by the post-secondary institution of education or employee:

(a) That is routinely taken in the course of intercollegiate sports; or

(b) That is part of identifying, facilitating, enabling or supporting opportunities for the current student athlete to exercise the student athlete's student's rights at the student athlete's post-secondary institution of education.

SECTION 2. ORS 702.205 is amended to read:

702.205. A person that produces an intercollegiate sports team jersey, video game or trading card for the purpose of making a profit shall make a royalty payment to each student athlete for use of the student athlete's name, image, [or] likeness **or athletic reputation** if the person uses the student athlete's name, image, [or] likeness **or athletic reputation** in or on the intercollegiate sports team jersey, video game or trading card.

SECTION 3. (1) The amendments to ORS 702.200 by section 1 of this 2024 Act apply to any action relating to student's rights, as defined in ORS 702.200, taken on or after June 29, 2021.

(2) The amendments to ORS 702.205 by section 2 of this 2024 Act apply to any contract entered into on or after the effective date of this 2024 Act.

SECTION 4. This 2024 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect on its passage.

Passed by House February 15, 2024

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 4, 2024

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2024

Approved:

.....M.,....., 2024

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2024

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LaVonne Griffin-Valade, Secretary of State