

# House Bill 4119

Sponsored by Representatives LIVELY, HELFRICH; Representatives BOWMAN, MCINTIRE, Senator MEEK (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest:** The Act adds protections for payments related to student athletes. The Act declares an emergency. The Act becomes law when the Governor signs it. (Flesch Readability Score: 64.7).

Enhances the protections for post-secondary institutions of education, student athletes and others regarding the provision of compensation for a student's name, image, likeness or athletic reputation. Requires a person who uses a student athlete's athletic reputation in or on certain products for the purpose of making a profit to provide royalty payments to the student athlete.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to student athletes; creating new provisions; amending ORS 702.200 and 702.205; and de-  
3 claring an emergency.

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

5 **SECTION 1.** ORS 702.200 is amended to read:

6 702.200. (1) As used in this section:

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

9 (b) "Post-secondary institution of education" means:

10 (A) A public university listed in ORS 352.002.

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

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

15 (B) "Student's rights" does not include a right to receive compensation from a post-secondary  
16 institution of education.

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

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

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

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

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

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

3       **(A) Prevent a post-secondary institution of education or a student athlete from partic-**  
 4 **ipating in intercollegiate sports, accept a complaint, open an investigation or take any other**  
 5 **adverse action against a post-secondary institution of education or a student athlete as a**  
 6 **result of a violation, or an alleged violation, of the rules or regulations of the athletic asso-**  
 7 **ciation, conference or organization related to a student athlete exercising the student's**  
 8 **rights.**

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

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

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

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

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

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

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

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

44       **(b) A person or entity that provides compensation to a student athlete for the use of the**  
 45 **student athlete's name, image, likeness or athletic reputation may condition payment of the**

1 compensation on a student athlete's attendance at a particular post-secondary institution  
2 of education.

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

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

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

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

16 **SECTION 2.** ORS 702.205 is amended to read:

17 702.205. A person that produces an intercollegiate sports team jersey, video game or trading  
18 card for the purpose of making a profit shall make a royalty payment to each student athlete for  
19 use of the student athlete's name, image, [or] likeness **or athletic reputation** if the person uses the  
20 student athlete's name, image, [or] likeness **or athletic reputation** in or on the intercollegiate  
21 sports team jersey, video game or trading card.

22 **SECTION 3.** (1) The amendments to ORS 702.200 by section 1 of this 2024 Act apply to  
23 any action relating to student's rights, as defined in ORS 702.200, taken on or after June 29,  
24 2021.

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

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

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