

As Reported by the Senate Workforce and Higher Education Committee

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 187

Senator Antani

A BILL

To enact sections 3376.01, 3376.02, 3376.03, 1
3376.04, 3376.05, 3376.06, 3376.07, and 3376.08 2
of the Revised Code to allow intercollegiate 3
athletes to earn compensation from their name, 4
image, or likeness and to declare an emergency. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3376.01, 3376.02, 3376.03, 6
3376.04, 3376.05, 3376.06, 3376.07, and 3376.08 of the Revised 7
Code be enacted to read as follows: 8

Sec. 3376.01. As used in this chapter: 9

(A) "State institution of higher education" has the same 10
meaning as in section 3345.011 of the Revised Code. 11

(B) "Private college" has the same meaning as in section 12
3365.01 of the Revised Code. 13

Sec. 3376.02. No state institution of higher education or 14
private college shall uphold any rule, requirement, standard, or 15
other limitation that prevents a student of that institution or 16
college from fully participating in intercollegiate athletics 17
because the student earns compensation as a result of the use of 18

the student's name, image, or likeness. Earning compensation 19
from the use of a student's name, image, or likeness shall not 20
affect the student's scholarship eligibility or renewal. 21

Sec. 3376.03. An athletic association, conference, or 22
other group or organization with authority over intercollegiate 23
athletics, including the national collegiate athletic 24
association or its successor organization, shall not do either 25
of the following: 26

(A) Prevent a student of a state institution of higher 27
education or private college from fully participating in 28
intercollegiate athletics because the student earns compensation 29
as a result of the use of the student's name, image, or 30
likeness; 31

(B) Prevent a state institution of higher education or 32
private college from fully participating in intercollegiate 33
athletics because a student of that institution or college 34
participating in intercollegiate athletics does either of the 35
following: 36

(1) Uses the student's name, image, or likeness; 37

(2) Obtains professional representation in relation to 38
contracts or legal matters regarding opportunities to earn 39
compensation for use of the student's name, image, or likeness. 40

Sec. 3376.04. No state institution of higher education, 41
private college, athletic association, conference, or other 42
group or organization with authority over intercollegiate 43
athletics shall do any of the following: 44

(A) Provide a prospective student who intends to 45
participate in intercollegiate athletics with compensation in 46
relation to the prospective student's name, image, or likeness; 47

(B) Prevent a student who resides in this state and 48
participates in intercollegiate athletics from obtaining 49
professional representation in relation to contracts or legal 50
matters regarding opportunities to be compensated for use of the 51
student's name, image, or likeness; 52

(C) Interfere with or prevent a student from fully 53
participating in intercollegiate athletics because the student 54
obtains professional representation in relation to contracts or 55
legal matters regarding opportunities to earn compensation for 56
use of the student's name, image, or likeness. 57

Sec. 3376.05. A scholarship from a state institution of 58
higher education or private college at which a student is 59
enrolled is not compensation for use of the student's name, 60
image, or likeness for purposes of this chapter. No state 61
institution of higher education or private college shall revoke 62
or reduce a scholarship as a result of a student earning 63
compensation for use of the student's name, image, or likeness 64
if the student earns that compensation in accordance with this 65
chapter. 66

Sec. 3376.06. (A) As used in this section: 67

(1) "Official team activities" means all games, practices, 68
exhibitions, scrimmages, team appearances, team photograph 69
sessions, sports camps sponsored by the institution or college, 70
and other team-organized activities, regardless of whether the 71
activity takes place on or off campus, including individual 72
photograph sessions and news media interviews. 73

(2) "Student" means an individual enrolled at a state 74
institution of higher education or private college who 75
participates in intercollegiate athletics. 76

(B) A state institution of higher education's or private college's contract with a student shall not prevent the student from using the student's name, image, or likeness for a commercial purpose when the student is not engaged in official team activities. 77
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(C) A student shall not enter into a contract providing compensation to the student for use of the student's name, image, or likeness that requires the student to display a sponsor's product, or otherwise advertise for a sponsor, during official team activities or any other time if that requirement is in conflict with a provision of a contract to which a state institution of higher education or private college is a party. 82
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(D) (1) A student who intends to enter into a verbal or written contract providing compensation to the student for use of the student's name, image, or likeness shall disclose the proposed contract to an official of the state institution of higher education or private college for review by the institution or college. The institution or college shall designate an official to whom the student is to disclose the proposed contract. 89
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(2) If a state institution of higher education or private college identifies a conflict between the proposed verbal or written contract described in division (D)(1) of this section and any existing provisions of a contract to which the institution or college is a party, the institution or college shall communicate to the student the relevant contract provision that is in conflict. The student shall not enter into the proposed contract, but the student may negotiate a revision to the proposed contract to avoid the conflict. The revised proposed contract is subject to review by the institution or 97
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college to ensure compliance with this chapter. 107

(E) A state institution of higher education or private 108
college may establish reasonable policies or standards to 109
address a student's failure to provide the disclosure required 110
under division (D)(1) of this section or any other failure to 111
comply with the requirements of this chapter. 112

Sec. 3376.07. A state institution of higher education, 113
private college, athletic association, conference, or other 114
group or organization with authority over intercollegiate 115
athletics may prohibit a student who participates in 116
intercollegiate athletics from entering into a contract 117
providing compensation to the student for use of the student's 118
name, image, or likeness if under the contract the student's 119
name, image, or likeness is associated with any of the 120
following: 121

(A) Any company that manufactures, markets, or sells, or 122
brand that is associated with, a controlled substance, marihuana 123
product, medical marijuana product, alcoholic product, tobacco 124
product, electronic smoking device, vapor product, or product or 125
device that consists of or contains nicotine that can be 126
ingested into the body; 127

(B) Any medical marijuana cultivator, processor, 128
laboratory, or retail dispensary licensed under Chapter 3796. of 129
the Revised Code or under the laws of another state; 130

(C) Any business engaged in the sale, rental, or 131
exhibition for any form of consideration of adult entertainment 132
that is characterized by an emphasis on the exposure or display 133
of sexual activity; 134

(D) Any casino or entity that sponsors or promotes 135

<u>gambling activities;</u>	136
<u>(E) Any other category of companies, brands, or types of</u>	137
<u>contracts that are similar to those described in divisions (A)</u>	138
<u>to (D) of this section that the institution or college</u>	139
<u>communicates to the student before the student enrolls at the</u>	140
<u>institution or college.</u>	141
<u>Sec. 3376.08. Nothing in this chapter does any of the</u>	142
<u>following:</u>	143
<u>(A) Requires a state institution of higher education,</u>	144
<u>private college, athletic association, conference, or other</u>	145
<u>group or organization with authority over intercollegiate</u>	146
<u>athletics to identify, create, facilitate, negotiate, or</u>	147
<u>otherwise enable opportunities for a student to earn</u>	148
<u>compensation for use of the student's name, image, or likeness;</u>	149
<u>(B) Establishes or grants to a student any right to use</u>	150
<u>the name, trademarks, services marks, logos, symbols, or any</u>	151
<u>other intellectual property, regardless of whether the</u>	152
<u>intellectual property is registered with the appropriate</u>	153
<u>authority, that belong to a state institution of higher</u>	154
<u>education, private college, athletic association, conference, or</u>	155
<u>other group or organization with authority over intercollegiate</u>	156
<u>athletics, to further the student's opportunities to earn</u>	157
<u>compensation for use of the student's name, image, or likeness;</u>	158
<u>(C) Limits the rights of a state institution of higher</u>	159
<u>education or private college to establish and enforce any of the</u>	160
<u>following:</u>	161
<u>(1) Academic standards, requirements, regulations, or</u>	162
<u>obligations for its students;</u>	163
<u>(2) Team rules of conduct or other rules of conduct;</u>	164

<u>(3) Standards or policies regarding the governance or</u>	165
<u>operation of or participation in intercollegiate varsity</u>	166
<u>athletics;</u>	167
<u>(4) Disciplinary rules and standards generally applicable</u>	168
<u>to all students of the institution or college.</u>	169
Section 2. Section 1 of this act takes effect July 1,	170
2021.	171
Section 3. This act is hereby declared to be an emergency	172
measure necessary for the immediate preservation of the public	173
peace, health, and safety. The reason for such necessity is to	174
provide to intercollegiate athletes in this state the right to	175
control their name, image, and likeness before the athletic	176
season begins for the 2021-2022 academic year. Therefore, this	177
act shall go into immediate effect.	178