

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 660**

**Representatives Mathews, Edwards**

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**A BILL**

To amend sections 3345.56, 3376.01, 3376.02, 1  
3376.03, 3376.04, 3376.05, 3376.06, and 3376.07; 2  
to amend, for the purpose of adopting a new 3  
section number as indicated in parentheses, 4  
section 3345.56 (3376.11); and to enact sections 5  
3376.09, 3376.10, and 3376.12 of the Revised 6  
Code to revise the law governing compensation to 7  
intercollegiate athletes for use of their name, 8  
image, or likeness. 9

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

**Section 1.** That sections 3345.56, 3376.01, 3376.02, 10  
3376.03, 3376.04, 3376.05, 3376.06, and 3376.07 be amended; 11  
section 3345.56 (3376.11) be amended for the purpose of adopting 12  
a new section number as indicated in parentheses; and sections 13  
3376.09, 3376.10, and 3376.12 of the Revised Code be enacted to 14  
read as follows: 15

**Sec. 3376.01.** As used in this chapter: 16

~~(A)~~ "Athlete agent" means an individual who holds a 17  
current and valid certificate of registration issued under 18  
section 4771.08 of the Revised Code or certificate of 19

convenience issued under section 4771.09 of the Revised Code. 20

"Official team activities" means all games, practices, 21  
exhibitions, scrimmages, team appearances, team photograph 22  
sessions, sports camps sponsored by a state institution of 23  
higher education or private college, and other team-organized 24  
activities, regardless of whether the activity takes place on or 25  
off campus, including individual photograph sessions and news 26  
media interviews. 27

"State institution of higher education" has the same 28  
meaning as in section 3345.011 of the Revised Code. 29

~~(B)~~ "Student-athlete" means an individual enrolled at a 30  
state institution of higher education or private college who 31  
participates in intercollegiate athletics for the state 32  
institution of higher education or private college. 33

"Supporting foundation" means an organization whose 34  
primary purpose is to facilitate opportunities for a student- 35  
athlete to earn compensation for use of the student-athlete's 36  
name, image, or likeness. 37

"Private college" has the same meaning as in section 38  
3365.01 of the Revised Code. 39

**Sec. 3376.02.** (A) No state institution of higher education 40  
or private college shall uphold any rule, requirement, standard, 41  
or other limitation that prevents a student of that institution 42  
or college from fully participating in intercollegiate athletics 43  
because the student ~~earns~~ does either of the following: 44

(1) Earns compensation as a result of the use of the 45  
student's name, image, or likeness; 46

(2) Obtains professional representation from an athlete 47

agent or attorney in relation to contracts or legal matters 48  
regarding opportunities to earn compensation for use of the 49  
student's name, image, or likeness. 50

(B) Earning compensation from the use of a student's name, 51  
image, or likeness, or obtaining professional representation as 52  
described in division (A) (2) of this section, shall not affect 53  
the student's scholarship eligibility or renewal. 54

**Sec. 3376.03.** An athletic association, conference, or 55  
other group or organization with authority over intercollegiate 56  
athletics, ~~including the national collegiate athletic~~ 57  
~~association or its successor organization,~~ shall not do either- 58  
any of the following: 59

(A) Prevent a student of a state institution of higher 60  
education or private college from fully participating in 61  
intercollegiate athletics because the student ~~earns~~ does either 62  
of the following: 63

(1) Earns compensation as a result of the use of the 64  
student's name, image, or likeness; 65

(2) Obtains professional representation from an athlete 66  
agent or attorney in relation to contracts or legal matters 67  
regarding opportunities to earn compensation for use of the 68  
student's name, image, or likeness. 69

(B) Prevent a state institution of higher education or 70  
private college from ~~fully becoming a member of the athletic~~ 71  
~~association, conference, or other group or organization or from~~ 72  
participating in intercollegiate athletics sponsored by the 73  
athletic association, conference, or other group or organization 74  
because a ~~student~~ student-athlete of that institution or college 75  
participating in intercollegiate athletics does either of the 76

following:	77
<u>(1) <del>Uses</del> Earns compensation from the use of the <del>student's</del></u>	78
<u>student-athlete's name, image, or likeness;</u>	79
<u>(2) Obtains professional representation from an athlete</u>	80
<u>agent or attorney in relation to contracts or legal matters</u>	81
<u>regarding opportunities to earn compensation for use of the</u>	82
<u><del>student's</del> student-athlete's name, image, or likeness.</u>	83
<u>(C) Consider a complaint, initiate an investigation, or</u>	84
<u>take any adverse action against a state institution of higher</u>	85
<u>education, private college, or supporting foundation for</u>	86
<u>engaging in any conduct authorized under this chapter;</u>	87
<u>(D) Penalize a state institution of higher education,</u>	88
<u>private college, or student-athlete, or prevent the institution,</u>	89
<u>college, or student-athlete from participating in</u>	90
<u>intercollegiate athletics, because another individual or third-</u>	91
<u>party entity whose purpose includes supporting or benefiting the</u>	92
<u>institution, college, or student-athlete violates a rule or</u>	93
<u>regulation of the athletic association, conference, or other</u>	94
<u>group or organization that addresses compensation for use of a</u>	95
<u>student-athlete's name, image, or likeness.</u>	96
<u>(E) Prevent a state institution of higher education or</u>	97
<u>private college from compensating a student-athlete for use of</u>	98
<u>the student-athlete's name, image, or likeness;</u>	99
<u>(F) Prevent a state institution of higher education,</u>	100
<u>private college, or supporting foundation from identifying,</u>	101
<u>creating, facilitating, negotiating, supporting, assisting with,</u>	102
<u>engaging with, or otherwise enabling opportunities for a</u>	103
<u>student-athlete to earn compensation for use of the student-</u>	104
<u>athlete's name, image, or likeness.</u>	105

**Sec. 3376.04.** No state institution of higher education, 106  
private college, athletic association, conference, or other 107  
group or organization with authority over intercollegiate 108  
athletics shall do any of the following: 109

(A) ~~Provide a prospective student who intends to~~ 110  
~~participate in intercollegiate athletics with~~ Prevent a student- 111  
athlete from earning compensation in relation to the prospective 112  
student's for use of the student-athlete's name, image, or 113  
likeness if the student-athlete earns that compensation in 114  
accordance with this chapter; 115

(B) ~~Prevent a student who resides in this state and~~ 116  
~~participates in intercollegiate athletics~~ student-athlete from 117  
obtaining professional representation from an athlete agent or 118  
attorney in relation to contracts or legal matters regarding 119  
opportunities to be compensated for use of the ~~student's~~ 120  
student-athlete's name, image, or likeness; 121

(C) Interfere with or prevent a student from fully 122  
participating in intercollegiate athletics because the student 123  
obtains professional representation from an athlete agent or 124  
attorney in relation to contracts or legal matters regarding 125  
opportunities to earn compensation for use of the student's 126  
name, image, or likeness. 127

(D) Enter into, renew, or modify any agreement that 128  
prohibits a student-athlete from earning compensation for use of 129  
the student-athlete's name, image, or likeness while the 130  
student-athlete is engaged in activities that do not relate to 131  
academic, athletic department, or official team activities. 132

**Sec. 3376.05.** (A) A scholarship from a state institution 133  
of higher education or private college that covers some or all 134

of the cost of attendance at which a ~~student~~ student-athlete is 135  
enrolled, or a benefit a student-athlete receives in accordance 136  
with the rules of an athletic association, conference, or other 137  
group or organization with authority over intercollegiate 138  
athletics, is not compensation for use of the ~~student's~~ student- 139  
athlete's name, image, or likeness for purposes of this chapter. 140

(B) No state institution of higher education ~~or~~, private 141  
college, athletic association, conference, or other group or 142  
organization with authority over intercollegiate athletics shall 143  
revoke, cancel, refuse to renew, or reduce a student-athlete's 144  
scholarship as a result of a ~~student~~ earning the student-athlete 145  
doing either of the following: 146

(1) Earning compensation for use of the ~~student's~~ student- 147  
athlete's name, image, or likeness if the ~~student~~ student- 148  
athlete earns that compensation in accordance with this chapter; 149

(2) Obtaining professional representation from an athlete 150  
agent or attorney in relation to contracts or legal matters 151  
regarding opportunities to earn compensation for use of the 152  
student-athlete's name, image, or likeness. 153

**Sec. 3376.06.** (A) ~~As used in this section:—~~ 154

~~(1) "Official team activities" means all games, practices,~~ 155  
~~exhibitions, scrimmages, team appearances, team photograph~~ 156  
~~sessions, sports camps sponsored by the institution or college,~~ 157  
~~and other team-organized activities, regardless of whether the~~ 158  
~~activity takes place on or off campus, including individual~~ 159  
~~photograph sessions and news media interviews.—~~ 160

~~(2) "Student" means an individual enrolled at a state~~ 161  
~~institution of higher education or private college who~~ 162  
~~participates in intercollegiate athletics.—~~ 163

~~(B)~~—A state institution of higher education's or private college's contract with a ~~student—student-athlete~~ shall not prevent the ~~student—student-athlete~~ from using the ~~student's—student-athlete's~~ name, image, or likeness for a commercial purpose when the ~~student—student-athlete~~ is not engaged in official team activities.

~~(C)~~~~(B)~~ A ~~student—student-athlete~~ shall not enter into a contract providing compensation to the ~~student—student-athlete~~ for use of the ~~student's—student-athlete's~~ name, image, or likeness that requires the ~~student—student-athlete~~ 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.

~~(D)~~~~(1)~~~~(C)~~~~(1)~~ A ~~student—student-athlete~~ who intends to enter into a verbal or written contract providing compensation to the ~~student—student-athlete~~ for use of the ~~student's—student-athlete'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—student-athlete~~ is to disclose the proposed contract.

(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)~~~~(C)~~~~(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—student-athlete~~ the relevant contract provision that is in conflict. The ~~student—student-~~

athlete shall not enter into the proposed contract, but the 194  
~~student-student-athlete~~ may negotiate a revision to the proposed 195  
contract to avoid the conflict. The revised proposed contract is 196  
subject to review by the institution or college to ensure 197  
compliance with this chapter. 198

~~(E)~~ (3) Any contract, proposed contract, or related 199  
documentation disclosed to a state institution of higher 200  
education or private college under this section is confidential 201  
and not a public record for purposes of section 149.43 of the 202  
Revised Code. 203

(D) A state institution of higher education or private 204  
college may establish reasonable policies or standards to 205  
address a ~~student's-student-athlete's~~ failure to provide the 206  
disclosure required under ~~division (D) (1)~~ of this section or any 207  
other failure to comply with the requirements of this chapter. 208

**Sec. 3376.07.** A state institution of higher education, 209  
private college, athletic association, conference, or other 210  
group or organization with authority over intercollegiate 211  
athletics may prohibit a ~~student who participates in~~ 212  
~~intercollegiate athletics-student-athlete~~ from entering into a 213  
contract providing compensation to the ~~student-student-athlete~~ 214  
for use of the ~~student's-student-athlete's~~ name, image, or 215  
likeness if under the contract the ~~student's-student-athlete's~~ 216  
name, image, or likeness is associated with any of the 217  
following: 218

(A) Any company that manufactures, markets, or sells, or 219  
brand that is associated with, a controlled substance, marihuana 220  
product, medical marijuana product, alcoholic product, tobacco 221  
product, electronic smoking device, vapor product, or product or 222  
device that consists of or contains nicotine that can be 223

ingested into the body;	224
(B) Any medical marijuana cultivator, processor,	225
laboratory, or retail dispensary licensed under Chapter 3796. of	226
the Revised Code or under the laws of another state;	227
(C) Any business engaged in the sale, rental, or	228
exhibition for any form of consideration of adult entertainment	229
that is characterized by an emphasis on the exposure or display	230
of sexual activity;	231
(D) Any casino or entity that sponsors or promotes	232
gambling activities;	233
(E) Any other category of companies, brands, or types of	234
contracts that are similar to those described in divisions (A)	235
to (D) of this section that the institution or college	236
communicates to the student before the student enrolls at the	237
institution or college.	238
<u>Sec. 3376.09. (A) A state institution of higher education</u>	239
<u>or private college may do either of the following:</u>	240
<u>(1) Except as provided in division (B) of this section,</u>	241
<u>compensate a student-athlete for use of the student-athlete's</u>	242
<u>name, image, or likeness;</u>	243
<u>(2) Provide money, assets, resources, opportunities,</u>	244
<u>services, or other benefits to a supporting foundation to</u>	245
<u>incentivize it to facilitate opportunities for a student-athlete</u>	246
<u>to earn compensation for use of the student-athlete's name,</u>	247
<u>image, or likeness.</u>	248
<u>(B) No state institution of higher education or private</u>	249
<u>college shall use any fees paid to the institution or college by</u>	250
<u>or on behalf of students attending that institution or college</u>	251

to compensate a student-athlete for use of the student-athlete's 252  
name, image, or likeness. 253

(C) The board of trustees of each state institution of 254  
higher education and the board of trustees or other governing 255  
entity of each private college that participates in 256  
intercollegiate athletics shall adopt policies and procedures 257  
governing the institution's or college's compensation of a 258  
student-athlete for the use of the student-athlete's name, 259  
image, or likeness that are consistent with this chapter. Each 260  
institution or college may enforce the policies or procedures 261  
adopted under this division. 262

**Sec. 3376.10.** Except as authorized by a state institution 263  
of higher education or private college, no student-athlete, to 264  
further the student-athlete's opportunities to earn compensation 265  
for use of the student-athlete's name, image, or likeness, shall 266  
use any of the following that belong to the institution or 267  
college: 268

(A) Facilities; 269

(B) Equipment; 270

(C) Apparel; 271

(D) Uniforms; 272

(E) Intellectual property, including logos, indicia, 273  
products protected by copyright, and registered or unregistered 274  
trademarks. 275

**Sec. ~~3345.56~~ 3376.11.** Notwithstanding any provision of the 276  
Revised Code to the contrary, a ~~student~~-student-athlete 277  
attending a state ~~university as defined in section 3345.011 of~~ 278  
the Revised Code ~~institution of higher education or private~~ 279

college is not an employee of the ~~state university institution~~ 280  
or college based upon either of the ~~student's following:~~ 281

(A) The student-athlete's participation in an athletic 282  
program offered by the ~~state university institution or college;~~ 283

(B) The institution or college compensating the student- 284  
athlete for use of the student-athlete's name, image, or 285  
likeness. 286

**Sec. 3376.12.** (A) A student-athlete alleging that the 287  
student-athlete has been injured because a state institution of 288  
higher education, private college, athletic association, 289  
conference, or other group or organization with authority over 290  
intercollegiate athletics has violated this chapter may maintain 291  
an action in any court of competent jurisdiction to seek 292  
injunctive relief. 293

(B) A state institution of higher education, private 294  
college, or supporting foundation alleging that an athletic 295  
association, conference, or other group or organization with 296  
authority over intercollegiate athletics has subjected the 297  
institution, college, or foundation to any actual or threatened 298  
complaint, investigation, penalty, or other adverse action for 299  
engaging in any conduct authorized under this chapter may 300  
maintain an action in any court of competent jurisdiction to 301  
seek damages, injunctive relief, reasonable attorney's fees, or 302  
any other appropriate relief. 303

(C) No state institution of higher education, private 304  
college, or supporting foundation is liable for any damages that 305  
result from a student-athlete's inability to earn compensation 306  
for use of the student-athlete's name, image, or likeness. 307

(D) No employee of a state institution of higher 308

education, private college, or supporting foundation is liable 309  
for any damages that result from a student-athlete's inability 310  
to earn compensation for use of the student-athlete's name, 311  
image, or likeness because of a decision or action that 312  
routinely occurs in the course of intercollegiate athletics. 313

**Section 2.** That existing sections 3345.56, 3376.01, 314  
3376.02, 3376.03, 3376.04, 3376.05, 3376.06, and 3376.07 of the 315  
Revised Code are hereby repealed. 316