

**As Passed by the House**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 660**

**Representatives Mathews, Edwards**

**Cosponsors: Representatives Abrams, Barhorst, Brennan, Carruthers,  
Dell'Aquila, Dobos, Fischer, Hillyer, Jones, Lampton, Miller, J., Mohamed, Patton,  
Williams, Willis**

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**A BILL**

To amend sections 3345.56, 3376.01, 3376.02, 1  
3376.03, 3376.04, 3376.06, and 3376.07; to 2  
amend, for the purpose of adopting a new section 3  
number as indicated in parentheses, section 4  
3345.56 (3376.11); to enact sections 3376.09, 5  
3376.10, 3376.12, and 3376.13; and to repeal 6  
section 3376.05 of the Revised Code to revise 7  
the law governing compensation to 8  
intercollegiate athletes. 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, 3376.06, and 3376.07 be amended; section 11  
3345.56 (3376.11) be amended for the purpose of adopting a new 12  
section number as indicated in parentheses; and sections 13  
3376.09, 3376.10, 3376.12, and 3376.13 of the Revised Code be 14  
enacted to 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

(B) "Institutional marketing associate" means any 21  
individual or entity, including an athlete agent, that enters 22  
into a contract with, or otherwise acts on behalf of, a state 23  
institution of higher education, private college, or an 24  
institution's or college's intercollegiate athletics department. 25  
"Institutional marketing associate" does not include either of 26  
the following: 27

(1) A state institution of higher education, private 28  
college, athletic association, conference, or other group or 29  
organization with authority over intercollegiate athletics; 30

(2) A staff member, employee, officer, director, manager, 31  
or owner of any of the entities described under division (B)(1) 32  
of this section. 33

(C) "Official team activities" means all games, practices, 34  
exhibitions, scrimmages, team appearances, team photograph 35  
sessions, sports camps sponsored by a state institution of 36  
higher education or private college, and other team-organized 37  
activities, regardless of whether the activity takes place on or 38  
off campus, including individual photograph sessions and news 39  
media interviews. 40

(D) "State institution of higher education" has the same 41  
meaning as in section 3345.011 of the Revised Code. 42

~~(B)~~-(E) "Student-athlete" means an individual who is 43  
eligible to participate in, participates in, or has participated 44  
in intercollegiate athletics for a state institution of higher 45

education or private college. "Student-athlete" does not include 46  
an individual who participates in intramural athletics at a 47  
state institution of higher education or private college or who 48  
participates in professional athletics. 49

(F) "Private college" has the same meaning as in section 50  
3365.01 of the Revised Code. 51

**Sec. 3376.02.** (A) No state institution of higher education 52  
or private college shall uphold any rule, requirement, standard, 53  
or other limitation that prevents a ~~student~~ student-athlete of 54  
that institution or college from fully participating in 55  
intercollegiate athletics because the ~~student earns~~ student- 56  
athlete does either of the following: 57

(1) Earns compensation as a result of the use of the 58  
~~student's~~ student-athlete's name, image, or likeness or any 59  
other compensation related to the student-athlete's position on 60  
the roster of an intercollegiate athletics team; 61

(2) Obtains professional representation from an athlete 62  
agent or attorney. 63

(B) Earning compensation from the use of a ~~student's~~ 64  
student-athlete's name, image, or likeness, or obtaining 65  
professional representation from an athlete agent or attorney, 66  
shall not affect the ~~student's~~ student-athlete's scholarship 67  
eligibility or renewal. 68

**Sec. 3376.03.** An athletic association, conference, or 69  
other group or organization with authority over intercollegiate 70  
athletics, ~~including the national collegiate athletic~~ 71  
~~association or its successor organization,~~ shall not do either 72  
any of the following: 73

(A) Prevent a ~~student~~ student-athlete of a state 74

institution of higher education or private college from fully 75  
participating in intercollegiate athletics because the ~~student-~~ 76  
~~earns~~ student-athlete does either of the following: 77

(1) Earns compensation as a result of the use of the 78  
~~student's~~ student-athlete's name, image, or likeness or any 79  
other compensation related to the student-athlete's position on 80  
the roster of an intercollegiate athletics team; 81

(2) Obtains professional representation from an athlete 82  
agent or attorney. 83

(B) Prevent a state institution of higher education or 84  
private college from ~~fully becoming a member of the athletic~~ 85  
association, conference, or other group or organization or from 86  
participating in intercollegiate athletics sponsored by the 87  
athletic association, conference, or other group or organization 88  
because a ~~student~~ student-athlete of that institution or college 89  
participating in intercollegiate athletics does either of the 90  
following: 91

(1) ~~Uses~~ Earns compensation from the use of the student's 92  
student-athlete's name, image, or likeness or any other 93  
compensation related to the student-athlete's position on the 94  
roster of an intercollegiate athletics team; 95

(2) Obtains professional representation from an athlete 96  
agent or attorney ~~in relation to contracts or legal matters~~ 97  
~~regarding opportunities to earn compensation for use of the~~ 98  
~~student's name, image, or likeness.~~ 99

(C) Consider a complaint, initiate an investigation, or 100  
take any adverse action against a state institution of higher 101  
education, private college, or institutional marketing associate 102  
for engaging in any conduct authorized under this chapter; 103

(D) Penalize a state institution of higher education, 104  
private college, or student-athlete, or prevent the institution, 105  
college, or student-athlete from participating in 106  
intercollegiate athletics, because another individual or third- 107  
party entity whose purpose includes supporting or benefiting the 108  
institution, college, or student-athlete violates a rule or 109  
regulation of the athletic association, conference, or other 110  
group or organization that addresses compensation for use of a 111  
student-athlete's name, image, or likeness. 112

(E) Prevent a state institution of higher education or 113  
private college from compensating a student-athlete for use of 114  
the student-athlete's name, image, or likeness or any other 115  
compensation related to the student-athlete's position on the 116  
roster of an intercollegiate athletics team; 117

(F) Prevent a state institution of higher education, 118  
private college, or institutional marketing associate from 119  
identifying, creating, facilitating, negotiating, supporting, 120  
assisting with, engaging with, or otherwise enabling 121  
opportunities for a student-athlete to earn compensation for use 122  
of the student-athlete's name, image, or likeness. 123

**Sec. 3376.04.** No state institution of higher education, 124  
private college, athletic association, conference, or other 125  
group or organization with authority over intercollegiate 126  
athletics shall do any of the following: 127

~~(A) Provide a prospective student who intends to~~ 128  
~~participate in intercollegiate athletics with~~ Prevent a student- 129  
athlete from earning compensation in relation to the prospective 130  
~~student's~~ for use of the student-athlete's name, image, or 131  
likeness if the student-athlete earns that compensation in 132  
accordance with this chapter; 133

(B) Prevent a ~~student who resides in this state and~~ 134  
~~participates in intercollegiate athletics~~ student-athlete from 135  
obtaining professional representation from an athlete agent or 136  
attorney in relation to contracts or legal matters regarding 137  
~~opportunities to be compensated for use of the student's name,~~ 138  
~~image, or likeness;~~ 139

(C) Interfere with or prevent a ~~student~~ student-athlete 140  
from fully participating in intercollegiate athletics because 141  
the ~~student~~ student-athlete obtains professional representation 142  
from an athlete agent or attorney in relation to contracts or 143  
~~legal matters regarding opportunities to earn compensation for~~ 144  
~~use of the student's name, image, or likeness.~~ 145

(D) Enter into, renew, or modify any agreement that 146  
prohibits a student-athlete from earning compensation for use of 147  
the student-athlete's name, image, or likeness while the 148  
student-athlete is engaged in activities that do not relate to 149  
academic, athletic department, or official team activities. 150

**Sec. 3376.06.** (A) ~~As used in this section:--~~ 151

~~(1) "Official team activities" means all games, practices,~~ 152  
~~exhibitions, scrimmages, team appearances, team photograph~~ 153  
~~sessions, sports camps sponsored by the institution or college,~~ 154  
~~and other team organized activities, regardless of whether the~~ 155  
~~activity takes place on or off campus, including individual~~ 156  
~~photograph sessions and news media interviews.--~~ 157

~~(2) "Student" means an individual enrolled at a state~~ 158  
~~institution of higher education or private college who~~ 159  
~~participates in intercollegiate athletics.--~~ 160

~~(B)~~ A state institution of higher education's or private 161  
college's contract with a ~~student~~ student-athlete shall not 162

prevent the ~~student-student-athlete~~ from using the ~~student's-~~ 163  
~~student-athlete's~~ name, image, or likeness for a commercial 164  
purpose when the ~~student-student-athlete~~ is not engaged in 165  
official team activities. 166

~~(C)~~(B) A ~~student-student-athlete~~ shall not enter into a 167  
contract providing compensation to the ~~student-student-athlete~~ 168  
for use of the ~~student's-student-athlete's~~ name, image, or 169  
likeness that requires the ~~student-student-athlete~~ to display a 170  
sponsor's product, or otherwise advertise for a sponsor, ~~during-~~ 171  
~~official team activities or any other time~~ if that requirement 172  
is in conflict with a provision of a contract to which a state 173  
institution of higher education or private college is a party. 174

~~(D)~~(1)(C) (1) A ~~student-student-athlete~~ who intends to 175  
enter into a verbal or written contract providing compensation 176  
to the ~~student-student-athlete~~ for use of the ~~student's-student-~~ 177  
~~athlete's~~ name, image, or likeness shall disclose the proposed 178  
contract to an official of the state institution of higher 179  
education or private college for review by the institution or 180  
college. The institution or college shall designate an official 181  
to whom the ~~student-student-athlete~~ is to disclose the proposed 182  
contract. 183

(2) If a state institution of higher education or private 184  
college identifies a conflict between the proposed verbal or 185  
written contract described in division ~~(D)~~(1)~~(C)~~ (1) of this 186  
section and any existing provisions of a contract to which the 187  
institution or college is a party, the institution or college 188  
shall communicate to the ~~student-student-athlete~~ the relevant 189  
contract provision that is in conflict. The ~~student-student-~~ 190  
~~athlete~~ shall not enter into the proposed contract, but the 191  
~~student-student-athlete~~ may negotiate a revision to the proposed 192

contract to avoid the conflict. The revised proposed contract is 193  
subject to review by the institution or college to ensure 194  
compliance with this chapter. 195

~~(E)~~ (3) Any contract, proposed contract, or related 196  
documentation disclosed to a state institution of higher 197  
education or private college under this section is confidential 198  
and not a public record for purposes of section 149.43 of the 199  
Revised Code. 200

(D) A state institution of higher education or private 201  
college may establish reasonable policies or standards to 202  
address a ~~student's~~ student-athlete's failure to provide the 203  
disclosure required under ~~division (D) (1) of this section~~ or any 204  
other failure to comply with the requirements of this chapter. 205

**Sec. 3376.07.** A state institution of higher education, 206  
private college, athletic association, conference, or other 207  
group or organization with authority over intercollegiate 208  
athletics may prohibit a ~~student who participates in~~ 209  
~~intercollegiate athletics~~ student-athlete from entering into a 210  
contract providing compensation to the ~~student~~ student-athlete 211  
for use of the ~~student's~~ student-athlete's name, image, or 212  
likeness if under the contract the ~~student's~~ student-athlete's 213  
name, image, or likeness is associated with any of the 214  
following: 215

(A) Any company that manufactures, markets, or sells, or 216  
brand that is associated with, a controlled substance, marihuana 217  
product, medical marijuana product, alcoholic product, tobacco 218  
product, electronic smoking device, vapor product, or product or 219  
device that consists of or contains nicotine that can be 220  
ingested into the body; 221



(B) Any medical marijuana cultivator, processor, 222  
laboratory, or retail dispensary licensed under Chapter 3796. of 223  
the Revised Code or under the laws of another state; 224

(C) Any business engaged in the sale, rental, or 225  
exhibition for any form of consideration of adult entertainment 226  
that is characterized by an emphasis on the exposure or display 227  
of sexual activity; 228

(D) Any casino or entity that sponsors or promotes 229  
gambling activities; 230

(E) Any other category of companies, brands, or types of 231  
contracts that are similar to those described in divisions (A) 232  
to (D) of this section that the institution or college 233  
communicates to the ~~student~~ student-athlete before the ~~student~~ 234  
student-athlete enrolls at the institution or college. 235

Sec. 3376.09. (A) A state institution of higher education 236  
or private college may do either of the following: 237

(1) Except as provided in division (B) of this section, 238  
compensate a student-athlete for use of the student-athlete's 239  
name, image, or likeness; 240

(2) Provide money, assets, resources, opportunities, 241  
services, or other benefits to an institutional marketing 242  
associate to incentivize it to facilitate opportunities for a 243  
student-athlete to earn compensation for use of the student- 244  
athlete's name, image, or likeness. 245

(B) No state institution of higher education or private 246  
college shall use any fees paid to the institution or college by 247  
or on behalf of students attending that institution or college 248  
to compensate a student-athlete for use of the student-athlete's 249  
name, image, or likeness. 250

Sec. 3376.10. Except as authorized by a state institution 251  
of higher education or private college, no student-athlete, to 252  
further the student-athlete's opportunities to earn compensation 253  
for use of the student-athlete's name, image, or likeness, shall 254  
use any of the following that belong to the institution or 255  
college: 256

(A) Facilities; 257

(B) Equipment; 258

(C) Apparel; 259

(D) Uniforms; 260

(E) Intellectual property, including logos, indicia, 261  
products protected by copyright, and registered or unregistered 262  
trademarks. 263

~~Sec. 3345.56~~ 3376.11. Notwithstanding any provision of the 264  
Revised Code to the contrary, a ~~student~~-student-athlete 265  
attending a state ~~university as defined in section 3345.011 of~~ 266  
~~the Revised Code~~-institution of higher education or private 267  
college is not an employee of the ~~state university~~-institution 268  
or college based upon either of the student's following: 269

(A) The student-athlete's participation in an athletic 270  
program offered by the state university.-institution or college; 271

(B) The institution or college compensating the student- 272  
athlete for use of the student-athlete's name, image, or 273  
likeness. 274

Sec. 3376.12. (A) A student-athlete alleging that the 275  
student-athlete has been injured because a state institution of 276  
higher education, private college, athletic association, 277  
conference, or other group or organization with authority over 278

intercollegiate athletics has violated this chapter may maintain 279  
an action in any court of competent jurisdiction to seek 280  
injunctive relief. 281

(B) A state institution of higher education, private 282  
college, or institutional marketing associate alleging that an 283  
athletic association, conference, or other group or organization 284  
with authority over intercollegiate athletics has subjected the 285  
institution, college, or associate to any actual or threatened 286  
complaint, investigation, penalty, or other adverse action for 287  
engaging in any conduct authorized under this chapter may 288  
maintain an action in any court of competent jurisdiction to 289  
seek damages, injunctive relief, reasonable attorney's fees, or 290  
any other appropriate relief. 291

(C) No state institution of higher education, private 292  
college, or institutional marketing associate is liable for any 293  
damages that result from a student-athlete's inability to earn 294  
compensation for use of the student-athlete's name, image, or 295  
likeness. 296

(D) No employee of a state institution of higher 297  
education, private college, or institutional marketing associate 298  
is liable for any damages that result from a student-athlete's 299  
inability to earn compensation for use of the student-athlete's 300  
name, image, or likeness because of a decision or action that 301  
routinely occurs in the course of intercollegiate athletics. 302

**Sec. 3376.13. No student-athlete who is less than eighteen** 303  
**years of age shall enter into a contract that provides the** 304  
**student-athlete with compensation for use of the student-** 305  
**athlete's name, image, or likeness unless the contract includes** 306  
**the written consent of the student-athlete's parent, guardian,** 307  
**or custodian for the student-athlete to enter into the contract.** 308

**Section 2.** That existing sections 3345.56, 3376.01, 309  
3376.02, 3376.03, 3376.04, 3376.06, and 3376.07 of the Revised 310  
Code are hereby repealed. 311

**Section 3.** That section 3376.05 of the Revised Code is 312  
hereby repealed. 313