

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 187**

**Senator Antani**

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**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, including individual 71  
photograph sessions and news media interviews. 72

(2) "Student" means an individual enrolled at a state 73  
institution of higher education or private college who 74  
participates in intercollegiate athletics. 75

(B) A state institution of higher education's or private 76

college's contract with a student shall not prevent the student 77  
from using the student's name, image, or likeness for a 78  
commercial purpose when the student is not engaged in official 79  
team activities. 80

(C) A student shall not enter into a contract providing 81  
compensation to the student for use of the student's name, 82  
image, or likeness that requires the student to display a 83  
sponsor's product, or otherwise advertise for a sponsor, during 84  
official team activities or any other time if that requirement 85  
is in conflict with a provision of a contract to which a state 86  
institution of higher education or private college is a party. 87

(D) (1) A student who intends to enter into a verbal or 88  
written contract providing compensation to the student for use 89  
of the student's name, image, or likeness shall disclose the 90  
proposed contract to an official of the state institution of 91  
higher education or private college for review by the 92  
institution or college. The student shall disclose the proposed 93  
contract at least fifteen days before the date the student 94  
intends to enter into the proposed contract. The institution or 95  
college shall designate an official to whom the student is to 96  
disclose the proposed contract. 97

(2) If a state institution of higher education or private 98  
college identifies a conflict between the proposed verbal or 99  
written contract described in division (D) (1) of this section 100  
and any existing provisions of a contract to which the 101  
institution or college is a party, the institution or college 102  
shall communicate to the student the relevant contract provision 103  
that is in conflict. The student shall not enter into the 104  
proposed contract, but the student may negotiate a revision to 105  
the proposed contract to avoid the conflict. The revised 106

proposed contract is subject to review by the institution or 107  
college to ensure compliance with this chapter. 108

(E) A state institution of higher education or private 109  
college may establish reasonable policies or standards to 110  
address a student's failure to provide the disclosure required 111  
under division (D)(1) of this section or any other failure to 112  
comply with the requirements of this chapter. 113

**Sec. 3376.07.** A state institution of higher education, 114  
private college, athletic association, conference, or other 115  
group or organization with authority over intercollegiate 116  
athletics may prohibit a student who participates in 117  
intercollegiate athletics from entering into a contract 118  
providing compensation to the student for use of the student's 119  
name, image, or likeness if under the contract the student's 120  
name, image, or likeness is associated with any of the 121  
following: 122

(A) Any company that manufactures, markets, or sells, or 123  
brand that is associated with, a controlled substance, marihuana 124  
product, medical marijuana product, alcoholic product, tobacco 125  
product, electronic smoking device, vapor product, or product or 126  
device that consists of or contains nicotine that can be 127  
ingested into the body; 128

(B) Any medical marijuana cultivator, processor, 129  
laboratory, or retail dispensary licensed under Chapter 3796. of 130  
the Revised Code or under the laws of another state; 131

(C) Any business engaged in the sale, rental, or 132  
exhibition for any form of consideration of adult entertainment 133  
that is characterized by an emphasis on the exposure or display 134  
of sexual activity; 135

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

<u>(2) Team rules of conduct or other rules of conduct;</u>	165
<u>(3) Standards or policies regarding the governance or operation of or participation in intercollegiate varsity athletics;</u>	166 167 168
<u>(4) Disciplinary rules and standards generally applicable to all students of the institution or college.</u>	169 170
<b>Section 2.</b> Section 1 of this act takes effect July 1, 2021.	171 172
<b>Section 3.</b> This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to provide to intercollegiate athletes in this state the right to control their name, image, and likeness before the athletic season begins for the 2021-2022 academic year. Therefore, this act shall go into immediate effect.	173 174 175 176 177 178 179