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A BILL FOR AN ACT

RELATING TO INTERCOLLEGIATE ATHLETICS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 STUDENT-ATHLETES

6 § -1 **Definitions.** For purposes of this chapter:

7 "Intercollegiate sport" shall have the same meaning as in  
8 section 481E-1

9 "Postsecondary educational institution" means any  
10 institution accredited pursuant to chapter 305J.

11 "Student-athlete" means an individual enrolled in a  
12 postsecondary educational institution who participates in an  
13 intercollegiate sport.

14 § -2 **Student-athlete compensation.** (a) Any student-  
15 athlete may enter into a contract providing compensation to the  
16 student-athlete for use of the student-athlete's name, image, or  
17 likeness; provided that:



1           (1) No provision of the contract shall conflict with a  
2                    provision of the student-athlete's team contract; and

3           (2) The student-athlete shall disclose the contract to an  
4                    official of the postsecondary educational institution  
5                    who shall be designated by the postsecondary  
6                    educational institution.

7           (b) A postsecondary educational institution asserting a  
8                    conflict described in paragraph (a)(1) shall disclose the  
9                    relevant contractual provisions that are in conflict to the  
10                   student-athlete or the student-athlete's professional  
11                   representative.

12           (c) A team contract of a postsecondary educational  
13                   institution's athletic program shall not prohibit a student-  
14                   athlete from using the student-athlete's name, image, or  
15                   likeness for a commercial purpose while the student-athlete is  
16                   not engaged in an official team activity. Any provision in a  
17                   team contract contrary to this subsection shall be void and  
18                   unenforceable.

19           (d) All professional representation obtained by a student-  
20                   athlete related to a contract under this chapter shall be



1 provided by an athlete agent registered pursuant to section  
2 481E-5 or 481E-7.

3 (e) All legal representation obtained by a student-athlete  
4 related to a contract under this chapter shall be provided by an  
5 attorney licensed by the supreme court pursuant to chapter 605.

6 § -3 Postsecondary educational institutions, athletic  
7 associations, conferences; prohibitions. (a) A postsecondary  
8 educational institution, athletic association, conference, or  
9 other group or organization with authority over intercollegiate  
10 athletics shall not:

11 (1) Prohibit a student-athlete from earning compensation  
12 as a result of the use of the student-athlete's name,  
13 image, or likeness;

14 (2) Uphold or enforce any rule, requirement, standard, or  
15 other limitation prohibiting a student-athlete from  
16 earning compensation as a result of the use of the  
17 student-athlete's name, image, or likeness;

18 (3) Provide a student-athlete with compensation in  
19 relation to the athlete's name, image, or likeness;  
20 provided that a scholarship from the postsecondary  
21 educational institution in which a student-athlete is



1 enrolled that provides the student-athlete with the  
 2 cost of attendance at that institution shall not be  
 3 considered compensation for purposes of this chapter;  
 4 or

5 (4) Prohibit a student-athlete from obtaining  
 6 representation in relation to contracts or legal  
 7 matters, including, professional representation by an  
 8 athlete agent or legal representation by an attorney.

9 (b) Any decision by a postsecondary educational  
 10 institution, athletic association, conference, or other group or  
 11 organization having authority over intercollegiate athletics to  
 12 reduce, revoke, or otherwise amend a student-athlete's athletic  
 13 scholarship shall not consider whether the student-athlete  
 14 earned compensation from the use of the student-athlete's name,  
 15 image, or likeness or whether the student-athlete obtained  
 16 professional or legal representation.

17 **§ -4 Athletic associations and conferences;**  
 18 **prohibitions.** No athletic association, conference, or other  
 19 group or organization having authority over intercollegiate  
 20 athletics shall prohibit a postsecondary educational institution  
 21 from participating in intercollegiate athletics as a result of



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1 the compensation of a student-athlete for the use of the  
2 student-athlete's name, image, or likeness."

3 SECTION 2: This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 3. This Act shall take effect on January 1, 2021.

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**Report Title:**

University; College: Athletics; Student-Athletes; Compensation

**Description:**

Authorizes a student-athlete to enter into a contract providing compensation to the student-athlete for use of the student-athlete's name, image, or likeness. Establishes various provisions prohibiting schools, athletic associations, and conferences from discriminating against student-athletes who receive compensation. Effective 1/1/2021.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

