A BILL FOR AN ACT

RELATING TO INTERCOLLEGIATE ATHLETICS.

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

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

"CHAPTER

STUDENT ATHLETE BILL OF RIGHTS

§ -1 Definitions. As used in this chapter, unless the context indicates otherwise:

"Postsecondary educational institution" means any campus of the university of Hawaii system as defined in section 305J-2 or a private college or university as defined in section 305J-2.

§ -2 Postsecondary educational institutions; student compensation; scholarship eligibility. No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation that prevents a student athlete of the institution participating in intercollegiate athletics from earning compensation as a result of the use of the student athlete's name, image, or likeness. Earning compensation from
the use of a student athlete's name, image, or likeness shall not affect the student athlete's scholarship eligibility.

§ -3 Athletic associations; student compensation; school eligibility. (a) No athletic association, conference, or other group or organization with authority over intercollegiate athletics shall prevent a student athlete of a postsecondary educational institution who is participating in intercollegiate athletics from earning compensation as a result of the use of the student athlete's name, image, or likeness.

(b) No athletic association, conference, or other group or organization having authority over intercollegiate athletics shall prevent a postsecondary educational institution from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student athlete's name, image, or likeness.

§ -4 Prospective student athletes; professional representation. (a) No postsecondary educational institution, athletic association, conference, or other group or organization having authority over intercollegiate athletics shall provide a prospective student athlete with compensation in relation to the student athlete's name, image, or likeness; provided that a
scholarship from the postsecondary educational institution in which a student athlete is enrolled that provides the student athlete with the cost of attendance at that institution is not compensation for purposes of this section, and a scholarship shall not be revoked as a result of earning compensation or obtaining legal representation pursuant to this section.

(b) No postsecondary educational institution, athletic association, conference, or other group or organization having authority over intercollegiate athletics shall prevent a student athlete participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters.

§ 5 Athletic contracts; team contracts; conflicts; disclosure; official team activities. (a) No student athlete shall enter into a contract providing compensation to the student athlete for use of the student athlete's name, image, or likeness if a provision of the contract is in conflict with a provision of the student athlete's team contract.

(b) A student athlete who enters into a contract providing compensation to the student athlete for use of the student athlete's name, image, or likeness shall disclose the contract
to an official of the institution, to be designated by the
institution.

(c) An institution asserting a conflict described in
subsection (a) shall disclose to the student athlete or the
student athlete's attorney the relevant contractual provisions
that are in conflict.

(d) No team contract of a postsecondary educational
institution's athletic program shall prevent a student athlete
from using the student athlete's name, image, or likeness for a
commercial purpose when the student athlete is not engaged in
official team activities.

§ 6 Sanction. Any person who violates this chapter
shall be deemed to have engaged in an unfair or deceptive act or
practice pursuant to section 480-2."

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

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: ____________

JAN 23 2020
Report Title:
Student Athletics; Compensation

Description:
Establishes the right of postsecondary student athletes in intercollegiate athletics to receive compensation for the use of their name, image, or likeness.

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