

JAN 17 2020

---

---

# 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 ATHLETE BILL OF RIGHTS**

6 § -1 **Definitions.** As used in this chapter, unless the  
7 context indicates otherwise:

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

11 § -2 **Postsecondary educational institutions; student**  
12 **compensation; scholarship eligibility.** No postsecondary  
13 educational institution shall uphold any rule, requirement,  
14 standard, or other limitation that prevents a student athlete of  
15 the institution participating in intercollegiate athletics from  
16 earning compensation as a result of the use of the student  
17 athlete's name, image, or likeness. Earning compensation from



1 the use of a student athlete's name, image, or likeness shall  
2 not affect the student athlete's scholarship eligibility.

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

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

16       **§ -4 Prospective student athletes; professional**  
17 **representation.** (a) No postsecondary educational institution,  
18 athletic association, conference, or other group or organization  
19 having authority over intercollegiate athletics shall provide a  
20 prospective student athlete with compensation in relation to the  
21 student athlete's name, image, or likeness; provided that a



1 scholarship from the postsecondary educational institution in  
2 which a student athlete is enrolled that provides the student  
3 athlete with the cost of attendance at that institution is not  
4 compensation for purposes of this section, and a scholarship  
5 shall not be revoked as a result of earning compensation or  
6 obtaining legal representation pursuant to this section.

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

13 **§ -5 Athletic contracts; team contracts; conflicts;**  
14 **disclosure; official team activities.** (a) No student athlete  
15 shall enter into a contract providing compensation to the  
16 student athlete for use of the student athlete's name, image, or  
17 likeness if a provision of the contract is in conflict with a  
18 provision of the student athlete's team contract.

19 (b) A student athlete who enters into a contract providing  
20 compensation to the student athlete for use of the student  
21 athlete's name, image, or likeness shall disclose the contract



1 to an official of the institution, to be designated by the  
2 institution.

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

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

12 § -6 **Sanction.** Any person who violates this chapter  
13 shall be deemed to have engaged in an unfair or deceptive act or  
14 practice pursuant to section 480-2."

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

18 SECTION 3. This Act shall take effect upon its approval.  
19



INTRODUCED BY:

Michelle N. Kildani

~~Scott~~ *Scott*  
*Stacy*  
*Amanda Mercedes K...*



Karl Rhoads

D. Karl



# S.B. NO. 2673

**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.

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

