

'JAN 19 2024

A BILL FOR AN ACT

RELATING TO HIGH SCHOOL ATHLETICS.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§302A- High school athletes. (a) No public or
5 private high school shall uphold any rule, requirement,
6 standard, or other limitation preventing a student-athlete at
7 that school from earning compensation as a result of the use of
8 the student's name, image, or likeness. For private high
9 schools, earning compensation from the use of a student's name,
10 image, or likeness shall not affect the student's scholarship
11 eligibility.

12 (b) No athletic association, conference, or other group or
13 organization having authority over high school athletics,
14 including the Hawaii High School Athletic Association, shall
15 prevent:



1 (1) A student-athlete from earning compensation as a
2 result of the use of the student's name, image, or
3 likeness; or

4 (2) A public or private high school from participating in
5 high school athletics as a result of the compensation
6 of a student-athlete for the use of the student's
7 name, image, or likeness.

8 (c) No public or private high school, athletic
9 association, conference, or other group or organization having
10 authority over high school athletics shall:

11 (1) Provide a prospective student-athlete with
12 compensation in relation to the student-athlete's
13 name, image, or likeness; or

14 (2) Prevent a student-athlete from obtaining professional
15 representation in relation to contracts or legal
16 matters, including representation provided by athlete
17 agents or legal representation provided by attorneys.

18 (d) Professional representation obtained by
19 student-athletes shall be from persons licensed by the State.
20 Professional representation by athlete agents shall be by
21 persons licensed pursuant to chapter 481Z. Legal representation
22 of student-athletes shall be by attorneys duly licensed by the



1 supreme court of Hawaii pursuant to the rules of the supreme
2 court of Hawaii and the Hawaii board of bar examiners rules of
3 procedure.

4 (e) Athlete agents representing student-athletes shall
5 comply with the federal Sports Agent Responsibility and Trust
6 Act, title 15 United States Code chapter 104, in their
7 relationships with student-athletes.

8 (f) No scholarship from a private high school in which a
9 student-athlete is enrolled and that provides funding to the
10 student-athlete for the cost of attendance at that private high
11 school shall be considered compensation for the purposes of this
12 section, and no scholarship shall be revoked as a result of a
13 student-athlete earning compensation or obtaining professional
14 representation pursuant to this section.

15 (g) A student-athlete who enters into a contract providing
16 compensation to the student-athlete for use of the
17 student-athlete's name, image, or likeness shall disclose the
18 contract to an official of the public or private high school, to
19 be designated by the public or private high school.

20 (h) For purposes of this section:



1 "Private high school" means an educational institution that
2 teaches students in any grade from nine through twelve and that
3 is either:

4 (1) Licensed; or

5 (2) Accredited by the Hawaii Association of Independent
6 Schools, Hawaii Council of Private Schools, Western
7 Association of Schools and Colleges, Western Catholic
8 Educational Association, Association of Christian
9 Schools International, or a similar entity recognized
10 by the Hawaii Council of Private Schools that meets or
11 exceeds the standards set by the entities identified
12 herein, and submits health and safety documentation to
13 the Hawaii Council of Private Schools or the Hawaii
14 Catholic Schools office on an annual basis.

15 "Student-athlete", "student", or "athlete" means a student
16 of a public or private high school participating in high school
17 athletics."

18 SECTION 2. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval
20 and shall be repealed on January 1, 2030.

21

INTRODUCED BY: 



S.B. NO. 2616

Report Title:

Education; Athletics; Student-Athletes; Names, Images, Likenesses; Compensation; Representation; Public Schools; Private Schools

Description:

Authorizes student-athletes attending public and private high schools to earn compensation for the use of their name, image, or likeness, and to obtain related professional representation. Repeals on 1/1/30.

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

