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# A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1           SECTION 1. The legislature finds that national changes in  
2 college athletics resulting from the settlement in the *House v.*  
3 *National Collegiate Athletic Association*, No. 4:20CV03919 (N.D.  
4 Cal.) litigation and subsequent National Collegiate Athletic  
5 Association rule revisions now permit institutions of higher  
6 education to provide direct financial compensation to  
7 student-athletes for use of their name, image, and likeness.

8           The legislature further finds that more than thirty states  
9 have enacted name, image, and likeness laws, many of which were  
10 adopted prior to the House settlement and are now being amended  
11 to reflect the rapidly changing environment. Hawaii, which has  
12 not enacted a comprehensive name, image, and likeness statute,  
13 is positioned to establish a modern, flexible framework to  
14 protect student-athletes, ensure compliance with Title IX, and  
15 promote transparency and accountability when public resources  
16 are involved.



1           The legislature further finds that the scope and scale of  
2 name, image, and likeness activity vary across campuses and  
3 athletic divisions within the university of Hawaii system, and  
4 that institutional reporting and administrative requirements  
5 established under this Act are intended to apply in a manner  
6 proportionate to the level of institutional name, image, and  
7 likeness activity present at a given campus.

8           The legislature finds that this Act is an issue of  
9 statewide concern pursuant to article X, section 6, of the  
10 Hawaii State Constitution.

11           Accordingly, the purpose of this Act is to establish a  
12 statewide name, image, and likeness framework for compensating  
13 student-athletes at the university of Hawaii that:

- 14           (1) Affirms the right of student-athletes to engage in  
15                 name, image, and likeness activities;
- 16           (2) Requires the university of Hawaii to adopt policies  
17                 governing institutional name, image, and likeness  
18                 agreements and other aspects of name, image, and  
19                 likeness activity consistent with federal law,  
20                 National Collegiate Athletic Association rules, and



1 Title IX of the Federal Education Amendments Act of  
2 1972, as amended;

3 (3) Ensures transparency and accountability in the  
4 administration of institutional name, image, and  
5 likeness programs; and

6 (4) Provides basic protections and educational support for  
7 student-athletes who enter name, image, and likeness  
8 agreements.

9 The legislature intends for the implementation and  
10 effectiveness of this Act to be reviewed during the regular  
11 session of 2029, prior to this Act's repeal date of June 30,  
12 2030. At that time, the legislature should determine whether  
13 this Act shall be made permanent and whether amendments to this  
14 Act are necessary.

15 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is  
16 amended by adding a new subpart to part II to be appropriately  
17 designated and to read as follows:

18 " . Student-Athletes; Name, Image, and Likeness

19 **§304A- Definitions.** As used in this subpart, unless  
20 the context clearly requires otherwise:



1 "Institutional name, image, and likeness agreement" means  
2 any agreement through which the university provides financial  
3 compensation or other benefits to a student-athlete for the use  
4 of the student-athlete's name, image, or likeness.

5 "Intercollegiate athletics governing body" refers to the  
6 National Collegiate Athletic Association or any successor  
7 organization that serves as the regulating authority for the  
8 intercollegiate athletic programs in which the university  
9 participates.

10 "Name, image, and likeness activity" means any activity  
11 through which a student-athlete receives financial compensation  
12 or other benefits for the use of the student-athlete's name,  
13 image, or likeness.

14 "Student-athlete" means an individual who is enrolled at a  
15 campus of the university and participates in intercollegiate  
16 athletics.

17 "Third-party name, image, and likeness agreement" means a  
18 name, image, and likeness agreement between a student-athlete  
19 and a person or entity other than the university.



1 "Title IX" refers to the federal Education Amendments  
2 of 1972, codified as title 20 United States Code section 1681  
3 et seq.

4 "University" means the university of Hawaii.

5 **§304A- Rights of student-athletes.** (a) A

6 student-athlete may earn compensation for name, image, and  
7 likeness activities consistent with this subpart, federal law,  
8 and applicable intercollegiate athletics governing body rules.

9 (b) Compensation received pursuant to a name, image, and  
10 likeness activity shall not affect the student-athlete's  
11 scholarship eligibility, grant-in-aid, or participation on an  
12 intercollegiate athletics team.

13 (c) The university, an athletic conference, or an  
14 intercollegiate athletics governing body shall not prevent or  
15 unduly restrict a student-athlete from engaging in name, image,  
16 and likeness activities except as necessary to comply with:

17 (1) Federal or state law;

18 (2) Rules adopted by an intercollegiate athletics  
19 governing body in response to the court-approved  
20 settlement in *House v. National Collegiate Athletic*  
21 *Association*, and rules adopted by an intercollegiate



1           athletics governing body after the effective date of  
2           this section; or

3           (3) Reasonable and neutral university policies relating to  
4           conflicts of interest, time commitments, or prohibited  
5           industries.

6           **§304A-           University obligations and protections.** (a)

7           The university shall adopt and periodically update written  
8           policies governing:

9           (1) Institutional name, image, and likeness agreements;

10           (2) Third-party name, image, and likeness agreement  
11           disclosure requirements;

12           (3) Student-athlete education regarding taxes, contracts,  
13           and financial management;

14           (4) Agent and representative interactions with  
15           student-athletes; and

16           (5) Efforts to administer name, image, and likeness  
17           activity benefits in a manner consistent with  
18           Title IX, based on the best available guidance.

19           (b) University policies shall not restrict  
20           student-athletes from retaining professional representation for  
21           name, image, and likeness activities; provided that the



1 representatives comply with chapter 481Z and any other  
2 applicable laws, rules, and other requirements; provided further  
3 that nothing in this subsection shall be construed to impose new  
4 licensing, registration, or regulatory requirements on agents or  
5 representatives beyond those required under existing law.

6 (c) The university may prohibit student-athletes from  
7 entering into name, image, and likeness agreements involving:

- 8 (1) Adult entertainment;
- 9 (2) Firearms or weapons;
- 10 (3) Gambling, sports wagering, or illegal drugs;
- 11 (4) Tobacco or vaping products; or
- 12 (5) Any industry or entity deemed to conflict with the  
13 university's mission or financial interests.

14 (d) A student-athlete shall have at least ten business  
15 days after signing an institutional name, image, and likeness  
16 agreement or third-party name, image, and likeness agreement to  
17 rescind the agreement.

18 **§304A- Third-party name, image, and likeness agreement**  
19 **disclosure and reporting.** (a) A student-athlete shall disclose  
20 to the university any third-party name, image, and likeness  
21 agreement with compensation valued at \$600 or more; provided



1 that, if an alternative threshold is established by applicable  
2 intercollegiate athletics governing body rules or federal law,  
3 the university may designate that alternative threshold as the  
4 payment threshold for purposes of this section.

5 (b) The university shall maintain a confidential internal  
6 system for receiving and reviewing disclosures for compliance  
7 with this subpart and rules and policies adopted pursuant to  
8 this subpart. Review of disclosures shall be for purposes of  
9 institutional awareness and compliance with state law and shall  
10 not be construed as an assumption of primary enforcement  
11 authority over intercollegiate athletics governing body rules.

12 (c) Beginning with the regular session of 2028, the  
13 university shall submit an annual report to the legislature no  
14 later than twenty days prior to the convening of each regular  
15 session. The report shall include, for the preceding completed  
16 academic year:

17 (1) The total value of institutional name, image, and  
18 likeness agreements that are funded with state  
19 resources, disaggregated by team and by gender but not  
20 by individual student-athlete;



- 1 (2) A high-level, aggregate summary of third-party name,  
2 image, and likeness agreements disclosed to the  
3 university, to the extent that name, image, and  
4 likeness activity implicates institutional programs,  
5 facilities, or compliance obligations;
- 6 (3) A description of name, image, and likeness  
7 activity-related compliance measures implemented,  
8 including education programs;
- 9 (4) A description of the university's policies governing  
10 name, image, and likeness activities and any updates  
11 made to the policies during the prior year;
- 12 (5) A statement of the university's efforts to administer  
13 name, image, and likeness activities in a manner  
14 consistent with Title IX, based on the best guidance  
15 available at the time; and
- 16 (6) Any documented challenges, violations, or disciplinary  
17 actions taken with regard to name, image, and likeness  
18 activities.
- 19 (d) Records collected pursuant to this section shall be  
20 confidential and exempt from disclosure under chapter 92F,  
21 except as expressly provided for in the aggregate reporting



1 requirements of this section. Nothing in this section shall  
2 require the public disclosure of personally identifying  
3 information or confidential contract terms, consistent with  
4 federal law, including the Family Educational Rights and Privacy  
5 Act of 1974, as amended.

6 (e) The disclosure and reporting requirements in this  
7 section shall apply only to a campus of the university that,  
8 during the applicable academic year:

- 9 (1) Enters into one or more institutional name, image, and  
10 likeness agreements; or  
11 (2) Administers, facilitates, or oversees name, image, and  
12 likeness activity disbursements or benefits pursuant  
13 to university policy.

14 **§304A- Construction.** Nothing in this subpart shall be  
15 construed to:

- 16 (1) Create an employment relationship between a  
17 student-athlete and the university;  
18 (2) Restrict the university from entering into  
19 institutional name, image, and likeness agreements  
20 consistent with intercollegiate athletics governing  
21 body rules; or



1 (3) Limit the university's authority to adopt policies  
2 governing conflicts of interest, team rules, or  
3 academic requirements.

4 §304A- **Rules.** The university may adopt rules pursuant  
5 to chapter 91 necessary to implement this subpart."

6 SECTION 3. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 4. This Act shall take effect on July 1, 3000, and  
10 shall be repealed on June 30, 2030.



**Report Title:**

UH; Student-Athletes; Compensation; NIL; Policies; Protections; Educational Support

**Description:**

Affirms student-athletes' rights to engage in name, image, and likeness activities for compensation. Requires the University of Hawaii to adopt policies governing institutional name, image, and likeness agreements and other aspects of name, image, and likeness activity consistent with federal law, rules by an intercollegiate athletics governing body such as the National Collegiate Athletic Association, and Title IX. Establishes certain transparency and accountability requirements in the administration of institutional name, image, and likeness activities. Provides protections and educational support for student-athletes who enter into name, image, and likeness agreements. Sunsets 6/30/2030. Effective 7/1/3000. (HD1)

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

