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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. 4:20-cv-03919-CW  
4 (N.D. Cal.) litigation and subsequent National Collegiate  
5 Athletic Association rule revisions now permit institutions of  
6 higher 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;

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

9 (5) Establishes an endowment fund to support compensation  
10 and related benefits to student-athletes.

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

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

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



1           **§304A-A Definitions.** As used in this subpart, unless the  
2 context clearly requires otherwise:

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

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

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

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

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



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

4 "University" means the university of Hawaii.

5 **§304A-B 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-C University obligations and protections.** (a) The  
7 university shall adopt and periodically update written policies  
8 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 a third-party name, image, and likeness agreement  
17 to rescind the agreement.

18 (e) A student-athlete may retain professional  
19 representation, including a sports agent registered pursuant to  
20 chapter 481Z, for the purpose of advising or representing the  
21 student-athlete in name, image, and likeness activities.



1 (f) A student-athlete may also seek advice from a parent  
2 or legal guardian or other trusted individual of the student-  
3 athlete's choosing.

4 (g) The university may make available educational  
5 resources or advisory support to assist student-athletes in  
6 understanding name, image, and likeness agreements, including  
7 information related to contracts, taxes, and financial  
8 management.

9 (h) Nothing in this section shall be construed to require  
10 a student-athlete to retain representation or advisory services.

11 **§304A-D Third-party name, image, and likeness agreement**  
12 **disclosure and reporting.** (a) A student-athlete shall disclose  
13 to the university any third-party name, image, and likeness  
14 agreement with compensation valued at \$600 or more; provided  
15 that, if an alternative threshold is established by applicable  
16 intercollegiate athletics governing body rules or federal law,  
17 the university may designate that alternative threshold as the  
18 payment threshold for purposes of this section.

19 (b) The university shall maintain a confidential internal  
20 system for receiving and reviewing disclosures for compliance  
21 with this subpart and rules and policies adopted pursuant to



1 this subpart. Review of disclosures shall be for purposes of  
2 institutional awareness and compliance with state law and shall  
3 not be construed as an assumption of primary enforcement  
4 authority over intercollegiate athletics governing body rules.

5 (c) Beginning with the regular session of 2028, the  
6 university shall submit an annual report to the legislature no  
7 later than twenty days prior to the convening of each regular  
8 session. The report shall include, for the preceding completed  
9 academic year:

- 10 (1) The total value of institutional name, image, and  
11 likeness agreements that are funded with state  
12 resources, disaggregated by team and by gender but not  
13 by individual student-athlete;
- 14 (2) A high-level, aggregate summary of third-party name,  
15 image, and likeness agreements disclosed to the  
16 university, to the extent that name, image, and  
17 likeness activity implicates institutional programs,  
18 facilities, or compliance obligations;
- 19 (3) A description of name, image, and likeness  
20 activity-related compliance measures implemented,  
21 including education programs;



- 1 (4) A description of the university's policies governing  
2 name, image, and likeness activities and any updates  
3 made to the policies during the prior year;
- 4 (5) A statement of the university's efforts to administer  
5 name, image, and likeness activities in a manner  
6 consistent with Title IX, based on the best guidance  
7 available at the time;
- 8 (6) Any documented challenges, violations, or disciplinary  
9 actions taken with regard to name, image, and likeness  
10 activities; and
- 11 (7) An aggregate summary of name, image, and likeness  
12 agreements, disaggregated by value ranges, sport, and  
13 gender, that does not include personally identifiable  
14 information or specific contract terms.
- 15 (d) Records collected pursuant to this section shall be  
16 confidential and exempt from disclosure under chapter 92F,  
17 except as expressly provided for in the aggregate reporting  
18 requirements of this section. Nothing in this section shall  
19 require the public disclosure of personally identifying  
20 information or confidential contract terms, consistent with



1 federal law, including the Family Educational Rights and Privacy  
2 Act of 1974, as amended.

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

6 (1) Enters into one or more institutional name, image, and  
7 likeness agreements; or

8 (2) Administers, facilitates, or oversees name, image, and  
9 likeness activity disbursements or benefits pursuant  
10 to university policy.

11 **§304A-E Construction.** Nothing in this subpart shall be  
12 construed to:

13 (1) Create an employment relationship between a  
14 student-athlete and the university;

15 (2) Restrict the university from entering into  
16 institutional name, image, and likeness agreements  
17 consistent with intercollegiate athletics governing  
18 body rules; or

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



1        **§304A-F Rules.** The university may adopt rules pursuant to  
2 chapter 91 necessary to implement this subpart."

3        SECTION 3. Chapter 304A, Hawaii Revised Statutes, is  
4 amended by adding a new subpart to part II to be appropriately  
5 designated and to read as follows:

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

7        **§304A-G Name, image, and likeness endowment fund;**  
8 **establishment; administration.** (a) There is established the  
9 name, image, and likeness endowment fund to be administered by  
10 the university to support compensation and related benefits for  
11 student-athletes participating in the university's name, image,  
12 and likeness program.

13                (b) The endowment fund shall be designed to provide a  
14 sustainable, long-term revenue stream to support the  
15 university's name, image, and likeness program. The university  
16 shall determine an appropriate target corpus for the fund based  
17 on programmatic needs and market conditions.

18                (c) Moneys in the endowment fund shall be invested and  
19 managed in accordance with applicable law. The corpus of the  
20 fund, which shall be a minimum of \$10,000,000, shall be  
21 preserved; provided that after the corpus has reached \$7,500,000



1 for a period of three years, the university may expend a portion  
2 of the interest earned necessary to meet programmatic needs,  
3 consistent with prudent fiscal management policies adopted by  
4 the board of regents.

5 (d) The following shall be initially deposited into the  
6 endowment fund:

7 (1) \$4,000,000 to be transferred out of the university of  
8 Hawaii tuition and fees special fund, established  
9 under section 304A-2153;

10 (2) \$2,500,000 appropriated by legislature; provided that  
11 \$1,000,000 in legislative appropriations shall remain  
12 in the endowment fund; and

13 (3) \$5,000,000 in matching gifts, grants, and donations to  
14 be deposited by the university of Hawaii.

15 (e) The following may be deposited into the endowment  
16 fund:

17 (1) Funds appropriated by the legislature; provided that  
18 the university shall secure matching or supplemental  
19 funds from non-state sources;

20 (2) Revenues raised by the university for name, image, and  
21 likeness activities;



1 (3) Gifts, grants, and donations from public or private  
2 sources; and

3 (4) Interest and other earnings accrued on the fund.

4 (f) The university shall establish criteria for the  
5 administration of the name, image, and likeness program  
6 supported by the endowment fund, including a methodology for the  
7 distribution of funds in a manner consistent with applicable law  
8 and intercollegiate athletics governing body rules.

9 (g) The use and administration of the moneys in the fund  
10 shall be subject to the following requirements:

11 (1) The university shall include, as part of its annual  
12 report to the legislature, a separate accounting of  
13 the use of funds deposited into the endowment fund;

14 (2) The university shall administer name, image, and  
15 likeness activities supported by state funds in a  
16 manner consistent with Title IX, based on the best  
17 available guidance at the time; and

18 (3) The board of regents shall adopt policies governing  
19 the expenditure of state funds from the endowment  
20 fund, including a reasonable spending policy designed



1 to preserve the long-term value of the fund while  
2 ensuring consistent and meaningful support.

3 (h) Nothing in this subpart shall be construed to:

4 (1) Create an employment relationship between a student-  
5 athlete and the university;

6 (2) Require the university to utilize the endowment fund  
7 as the sole source of support for name, image, and  
8 likeness activities; or

9 (3) Limit the university's authority to support name,  
10 image, and likeness activities through other lawful  
11 means, consistent with university policy, applicable  
12 law, and intercollegiate athletics governing body  
13 rules."

14 SECTION 4. Any law to the contrary notwithstanding, the  
15 board of regents shall transfer \$4,000,000 from the university  
16 of Hawaii tuition and fees special fund, established under  
17 section 304A-2153, Hawaii Revised Statutes, to the name, image,  
18 and likeness endowment fund, established pursuant to section  
19 304A-G, Hawaii Revised Statutes.

20 SECTION 5. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$2,500,000 or so much



1 thereof as may be necessary for fiscal year 2026-2027 for  
2 deposit into the name, image, and likeness endowment fund,  
3 established pursuant to section 304A-G, Hawaii Revised Statutes.

4 The sum appropriated shall be expended by the university of  
5 Hawaii for the purposes of this Act.

6 SECTION 6. 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 7. In codifying the new sections added by sections  
10 2 and 3 of this Act, the revisor of statutes shall substitute  
11 appropriate section numbers for the letters used in designating  
12 the new sections in this Act.

13 SECTION 8. This Act shall take effect upon its approval,  
14 and shall be repealed on June 30, 2030; provided that section 5  
15 shall take effect on July 1, 2026; provided further that on  
16 June 30, 2030, any unencumbered and unexpended funds remaining  
17 in the name, image, and likeness endowment fund shall lapse to  
18 the source of funds.



**Report Title:**

UH; Student-Athletes; Compensation; NIL; Policies; Independent Advisors; Protections; Educational Support; Appropriation

**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. Allows student-athletes to retain professional representation for the purpose of name, image, and likeness activities. 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. Establishes an endowment fund for the name, image, and likeness program. Appropriates funds into the endowment fund. Sunsets 6/30/2030. (CD1)

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

