
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
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; 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 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- 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 a third-party name, image, and likeness agreement
17 to rescind the agreement.

18 (e) The university shall provide advisors to student-
19 athletes. The advisors may be employees, contractors,
20 volunteers, or otherwise. The advisors shall provide
21 independent advice and assistance to the student-athletes



1 relating to institutional name, image, and likeness agreements
2 and third-party name, image, and likeness agreements and shall
3 act solely in the student-athletes' best interest.

4 **§304A- Third-party name, image, and likeness agreement**
5 **disclosure and reporting.** (a) A student-athlete shall disclose
6 to the university any third-party name, image, and likeness
7 agreement with compensation valued at \$600 or more; provided
8 that, if an alternative threshold is established by applicable
9 intercollegiate athletics governing body rules or federal law,
10 the university may designate that alternative threshold as the
11 payment threshold for purposes of this section.

12 (b) The university shall maintain a confidential internal
13 system for receiving and reviewing disclosures for compliance
14 with this subpart and rules and policies adopted pursuant to
15 this subpart. Review of disclosures shall be for purposes of
16 institutional awareness and compliance with state law and shall
17 not be construed as an assumption of primary enforcement
18 authority over intercollegiate athletics governing body rules.

19 (c) Beginning with the regular session of 2028, the
20 university shall submit an annual report to the legislature no
21 later than twenty days prior to the convening of each regular



1 session. The report shall include, for the preceding completed
2 academic year:

3 (1) The total value of institutional name, image, and
4 likeness agreements that are funded with state
5 resources, disaggregated by team and by gender but not
6 by individual student-athlete;

7 (2) A high-level, aggregate summary of third-party name,
8 image, and likeness agreements disclosed to the
9 university, to the extent that name, image, and
10 likeness activity implicates institutional programs,
11 facilities, or compliance obligations;

12 (3) A description of name, image, and likeness
13 activity-related compliance measures implemented,
14 including education programs;

15 (4) A description of the university's policies governing
16 name, image, and likeness activities and any updates
17 made to the policies during the prior year;

18 (5) A statement of the university's efforts to administer
19 name, image, and likeness activities in a manner
20 consistent with Title IX, based on the best guidance
21 available at the time; and

1 (6) Any documented challenges, violations, or disciplinary
2 actions taken with regard to name, image, and likeness
3 activities.

4 (d) Records collected pursuant to this section shall be
5 confidential and exempt from disclosure under chapter 92F,
6 except as expressly provided for in the aggregate reporting
7 requirements of this section. Nothing in this section shall
8 require the public disclosure of personally identifying
9 information or confidential contract terms, consistent with
10 federal law, including the Family Educational Rights and Privacy
11 Act of 1974, as amended.

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

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

17 (2) Administers, facilitates, or oversees name, image, and
18 likeness activity disbursements or benefits pursuant
19 to university policy.

20 **§304A- Construction.** Nothing in this subpart shall be
21 construed to:



- 1 (1) Create an employment relationship between a
- 2 student-athlete and the university;
- 3 (2) Restrict the university from entering into
- 4 institutional name, image, and likeness agreements
- 5 consistent with intercollegiate athletics governing
- 6 body rules; or
- 7 (3) Limit the university's authority to adopt policies
- 8 governing conflicts of interest, team rules, or
- 9 academic requirements.

10 **§304A- Rules.** The university may adopt rules pursuant
11 to chapter 91 necessary to implement this subpart."

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

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



Report Title:

UH; Student-Athletes; Compensation; NIL; Policies; Independent
Advisors; 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. Requires the University to provide independent advisors to student-athletes. 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. (HD2)

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

