

1 AN ACT relating to intercollegiate athletics.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) For the purposes of this section, "postsecondary educational institution" means a
6 public or private college or university and the college's and university's affiliated
7 corporation or other entity designated for the management of intercollegiate
8 athletics.

9 (2) (a) A postsecondary educational institution shall not uphold any rule,
10 requirement, standard, or other limitation that prohibits a student athlete of
11 that institution who participates in intercollegiate athletics from earning
12 compensation as a result of the use of the student's name, image, or
13 likeness. Earning compensation from the use of the student's name, image,
14 or likeness shall not affect the student's scholarship eligibility.

15 (b) An athletic association, conference, or other group or organization with
16 authority over intercollegiate athletics, including but not limited to the
17 National Collegiate Athletic Association, shall not:

18 1. Prevent a student athlete of a postsecondary educational institution
19 from participating in intercollegiate athletics, or enforce any other
20 penalty against the student, as a result of earning compensation as a
21 result of the use of the student's name, image, or likeness; or

22 2. Prevent a postsecondary educational institution from participating in
23 intercollegiate athletics, or enforce any other penalty against the
24 institution, as a result of the institution's student athlete receiving
25 compensation for the use of the student's name, image, or likeness.

26 (3) (a) A postsecondary educational institution, athletic association, conference, or
27 other group or organization with authority over intercollegiate athletics

1 shall not provide a prospective student athlete with compensation in relation
2 to the athlete's name, image, or likeness. Notwithstanding subsection (2) of
3 this section, an athletic association, conference, or other group or
4 organization with authority over intercollegiate athletics, including but not
5 limited to the National Collegiate Athletic Association, may enforce a
6 penalty if a postsecondary educational institution provides a prospective
7 student athlete with compensation in relation to the athlete's name, image,
8 or likeness.

9 (b) By agreeing to participate in intercollegiate athletics at a postsecondary
10 educational institution, a student athlete shall be deemed to allow the
11 postsecondary educational institution the use of the student athlete's name,
12 image, and likeness for the duration of that student athlete's participation
13 in intercollegiate athletics at that postsecondary educational institution.

14 (4) (a) A postsecondary educational institution, athletic association, conference, or
15 other group or organization with authority over intercollegiate athletics
16 shall not prevent a Kentucky student who participates in intercollegiate
17 athletics from obtaining professional representation in relation to contracts
18 or legal matters, including but not limited to representation provided by
19 athlete agents or legal representation provided by attorneys.

20 (b) Professional representation obtained by student athletes shall be from
21 persons licensed by the state. Professional representation provided by
22 athlete agents shall be by persons licensed pursuant to the Revised Uniform
23 Athlete Agents Act, KRS 164.6901 to 164.6935. Legal representation of
24 student athletes shall be by attorneys licensed in Kentucky.

25 (c) Athlete agents providing professional representation to student athletes
26 shall comply with the federal Sports Agent Responsibility and Trust Act, or
27 its successors, in their relationships with student athletes.

1 (5) A scholarship from the postsecondary educational institution in which a student
2 athlete is enrolled is not compensation for the purposes of this section and an
3 institution's scholarship shall not be revoked to penalize a student athlete for
4 earning compensation or obtaining representation under this section.

5 (6) A team contract of a postsecondary educational institution entered into, modified,
6 or renewed after the effective date of this Act shall not prevent a student athlete
7 from using of the student's name, image, or likeness to earn compensation when
8 the athlete is not engaged in official team activities.

9 (7) Any person who prevails against any postsecondary educational institution,
10 athletic association, conference, or other group or organization with authority
11 over intercollegiate athletics in any action in the courts regarding a violation of
12 this section may, upon a finding that the penalty was willfully imposed in
13 violation of this section, be awarded costs, including reasonable attorney's fees,
14 incurred in connection with the legal action. If the person prevails in part, the
15 court may in its discretion award costs or an appropriate portion thereof. In
16 addition, it shall be within the discretion of the court to award the person an
17 amount not to exceed twenty-five dollars (\$25) for each day the penalty was
18 imposed. Attorney's fees, costs, and awards under this subsection shall be paid by
19 the institution or organization that the court determines is responsible for the
20 violation.

21 ➔ Section 2. This Act takes effect July 1, 2023.