

18A:3B-89.2 to 18A:3B-89.8, Sec.8 Repealer**LEGISLATIVE HISTORY CHECKLIST**

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LAWS OF: 2025 **CHAPTER:** 110**NJSA:** 18A:3B-89.2 to 18A:3B-89.8, Sec.8 Repealer Establishes protections for student-athletes and certain institutions of higher education concerning name, image, or likeness compensation; repeals "New Jersey Fair Play Act."**BILL NO:** S4439 (Substituted for A5729)**SPONSOR(S)** Lagana, Joseph A. and others**DATE INTRODUCED:** 5/19/2025**COMMITTEE:** **ASSEMBLY:** Higher Education**SENATE:** Higher Education**AMENDED DURING PASSAGE:** No**DATE OF PASSAGE: ASSEMBLY:** 06/30/2025**SENATE:** 06/02/2025**DATE OF APPROVAL:** 7/22/2025**FOLLOWING ARE ATTACHED IF AVAILABLE:****FINAL TEXT OF BILL** (S4439 enacted)**ADVANCE LAW** Yes**PAMPHLET LAW** Yes**S4439****INTRODUCED BILL:** (Includes sponsor(s) statement) Yes**REPRINT(S):** No**TECHNICAL REVIEW OF BILL:** No**COMMITTEE STATEMENT: ASSEMBLY:** Yes**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No**LEGISLATIVE FISCAL ESTIMATE:** No**A5729****INTRODUCED BILL:** (Includes sponsor(s) statement) Yes**REPRINT(S):** No

TECHNICAL REVIEW OF BILL: No

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

LEGISLATOR STATEMENT: No

FOLLOWING WERE PRINTED:

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CL/MMcB

P.L. 2025, CHAPTER 110, *approved July 22, 2025*
Senate, No. 4439

1 **AN ACT** concerning student-athletes, supplementing Title 18A of
2 the New Jersey Statutes, and repealing P.L.2020, c.83.
3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6
7 1. As used in this act, "related entity" includes, but is not
8 limited to, an auxiliary services corporation, an alumni association,
9 a foundation related to a four-year institution of higher education,
10 or any subsidiary or affiliated entity of a four-year institution of
11 higher education.
12
13 2. a. A four-year institution of higher education shall not
14 prohibit or prevent a student-athlete who participates in
15 intercollegiate athletics from earning compensation as a result of
16 the use of the student-athlete’s name, image, or likeness.
17 b. A four-year institution of higher education or any related
18 entity of an institution may enter into a contract with a student-
19 athlete to directly compensate the student-athlete for use of the
20 student-athlete’s name, image, or likeness.
21 c. Notwithstanding the provisions of subsections a. and b. of
22 this section to the contrary, a student-athlete participating in
23 intercollegiate athletics who is under 21 years of age shall be
24 prohibited from earning compensation as a result of the use of the
25 student-athlete’s name, image, or likeness in connection with any
26 person, company, or organization related to or associated with the
27 development, production, distribution, wholesaling, or retailing of:
28 alcohol products; tobacco and electronic smoking products and
29 devices; and cannabis products.
30
31 3. a. A four-year institution of higher education shall not
32 prohibit or prevent a student-athlete participating in intercollegiate
33 athletics from obtaining professional representation in relation to
34 contracts or legal matters including, but not limited to,
35 representation provided by athlete agents or legal representation
36 provided by attorneys.
37 b. Legal representation obtained by student-athletes shall be by
38 licensed attorneys. Athlete agents representing student-athletes shall
39 comply with the federal "Sports Agent Responsibility and Trust
40 Act" (15 U.S.C. s.7801 et seq.) in their relationship with student-

1 athletes. Licensed attorneys and athlete agents shall act in a
2 fiduciary capacity when representing a student-athlete.

3
4 4. Notwithstanding any other law, rule, or regulation to the
5 contrary, any contract a student-athlete enters into providing
6 compensation to the student-athlete for use of the student-athlete's
7 name, image, or likeness pursuant to section 2 of this act shall not
8 be subject to public disclosure pursuant to the provisions of
9 P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open
10 public records act.

11
12 5. a. An athletic association, conference with member
13 institutions that offer athletic scholarships, or other group or
14 organization with authority over intercollegiate athletics including,
15 but not limited to, the National Collegiate Athletic Association,
16 shall not:

17 (1) prohibit or prevent a four-year institution of higher
18 education from becoming a member of the association, conference,
19 or organization, or participating in intercollegiate athletics
20 sponsored by the association, conference, or organization, as a
21 consequence of any student-athlete earning compensation for the
22 use of the student-athlete's name, image, or likeness or obtaining
23 representation by an athlete agent or attorney in connection with
24 issues related to name, image, or likeness;

25 (2) take any other adverse action against a four-year institution
26 of higher education or any other related entity of an institution, for
27 activity permitted pursuant to this act;

28 (3) penalize a four-year institution of higher education or
29 student-athlete, or prevent a four-year institution of higher
30 education or student-athlete from participating in intercollegiate
31 athletics, because an individual or related entity whose purpose
32 includes supporting or benefiting the institution or student-athletes
33 violates its rules or regulations concerning name, image, or
34 likeness;

35 (4) prevent a four-year institution of higher education from
36 compensating a student-athlete for the use of the student-athlete's
37 name, image, or likeness; or

38 (5) prevent a four-year institution of higher education or any
39 other related entity of an institution from identifying, creating,
40 negotiating, facilitating, supporting, engaging with, assisting with,
41 or otherwise enabling a name, image, or likeness opportunity for a
42 student-athlete.

43 b. A four-year institution of higher education or any other related
44 entity of an institution that is subjected to any actual or threatened
45 complaint, investigation, penalty, or other adverse action of an
46 athletic association, conference, or other group or organization with
47 authority over intercollegiate athletics including, but not limited to,
48 the National Collegiate Athletic Association, for engaging in

1 activities permitted pursuant to this act, may bring an action to
2 recover actual damages and reasonable attorney fees and may seek
3 injunctive relief and any other remedy available at law or in equity.

4
5 6. In each academic year, each four-year institution of higher
6 education shall make available to all student-athletes participating
7 in intercollegiate athletics at the institution programming or
8 educational materials on name, image, or likeness. The
9 programming or educational materials shall include, but not be
10 limited to, financial literacy; brand management; life skills; and
11 other programming on skills necessary for success as a student-
12 athlete.

13
14 7. The provisions of this act shall only apply to four-year
15 institutions of higher education that offer athletic scholarships.

16
17 8. P.L.2020, c.83 (C.18A:3B-86 through C.18A:3B-89) is
18 repealed.

19
20 9. This act shall take effect immediately.

21
22
23 STATEMENT

24
25 This bill establishes protections for student-athletes and certain
26 institutions of higher education concerning name, image, or likeness
27 compensation and repeals the “New Jersey Fair Play Act.”

28 First, this bill provides that a four-year institution of higher
29 education is not to prohibit or prevent a student-athlete who
30 participates in intercollegiate athletics from earning compensation
31 as a result of the use of the student-athlete’s name, image, or
32 likeness. The bill permits a four-year institution of higher
33 education or any related entity of the institution to enter into a
34 contract with a student-athlete to directly compensate the student-
35 athlete for use of the student-athlete’s name, image, or likeness.
36 However, the bill prohibits a student-athlete participating in
37 intercollegiate athletics who is under 21 years of age from earning
38 compensation as a result of the use of the student-athlete’s name,
39 image, or likeness if it is in connection with any person, company,
40 or organization related to or associated with alcohol products;
41 tobacco and electronic smoking products and devices; and cannabis
42 products.

43 The bill provides that a four-year institution of higher education
44 is not to prevent a student-athlete participating in intercollegiate
45 athletics from obtaining professional representation in relation to
46 contracts or legal matters, including representation provided by
47 athlete agents or legal representation provided by attorneys. The
48 bill clarifies that licensed attorneys and athlete-agents are required

1 to act in a fiduciary capacity when providing representation to a
2 student-athlete.

3 The bill clarifies that any contract a student-athlete enters into
4 that provides compensation to the student-athlete for use of the
5 student-athlete's name, image, or likeness is not subject to public
6 disclosure pursuant to the State's open public records act.

7 The bill also regulates certain athletic associations, conferences,
8 or other groups or organizations with authority over intercollegiate
9 athletics, including the National Collegiate Athletic Association.
10 Under the bill, these organizations cannot:

11 (1) prohibit or prevent a four-year institution of higher
12 education from becoming a member of the organization or from
13 participating in intercollegiate athletics as a consequence of any
14 student-athlete earning compensation for the use of the student-
15 athlete's name, image, or likeness or obtaining representation by an
16 athlete agent or attorney in connection with issues related to name,
17 image, or likeness;

18 (2) take any other adverse action against a four-year institution
19 of higher education or any other related entity of an institution, for
20 activity permitted by the bill;

21 (3) penalize a four-year institution of higher education or a
22 student-athlete, or prevent them from participating in intercollegiate
23 athletics, due to a violation of the organization's rules or regulations
24 concerning name, image, or likeness;

25 (4) prevent a four-year institution of higher education from
26 compensating a student-athlete for the use of the student-athlete's
27 name, image, or likeness; or

28 (5) prevent a four-year institution of higher education or any
29 related entity of an institution from identifying, creating,
30 negotiating, facilitating, supporting, engaging with, assisting with,
31 or otherwise enabling a name, image, or likeness opportunity for a
32 student-athlete.

33 The bill provides that a four-year institution of higher education
34 or any related entity of an institution, that is subjected to any actual
35 or threatened complaint, investigation, penalty, or other adverse
36 action of any organization with authority over intercollegiate
37 athletics for engaging in activities permitted pursuant to the bill,
38 may bring an action to recover actual damages and reasonable
39 attorney fees and may seek injunctive relief and any other remedy
40 available at law or in equity.

41 In each academic year, a four-year institution of higher education
42 that offers academic scholarships is required to make available to
43 all student-athletes participating in intercollegiate athletics at the
44 institution name, image, or likeness programing or educational
45 materials. The programing and educational materials are to provide
46 students with information including, financial literacy; brand
47 management; life skills; and any other programming on skills
48 necessary for success as a student-athlete.

1 NCAA Division I and Division II institutions are permitted to
2 offer athletic scholarships. The bill applies to four-year institutions
3 of higher education that offer athletic scholarships, including
4 Division I and Division II institutions.

5 Finally, the bill repeals the “New Jersey Fair Play Act,” which
6 was enacted in 2020 and is first applicable in the academic year
7 beginning in September of 2025. It is the sponsor’s intent to
8 strengthen New Jersey’s name, image, or likeness law to reflect
9 changes made at the national level since its original enactment in
10 2020.

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12

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14

15 Establishes protections for student-athletes and certain
16 institutions of higher education concerning name, image, or likeness
17 compensation; repeals “New Jersey Fair Play Act.”

CHAPTER 110

AN ACT concerning student-athletes, supplementing Title 18A of the New Jersey Statutes, and repealing P.L.2020, c.83.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:3B-89.2 "Related entity" meaning.

1. As used in this act, "related entity" includes, but is not limited to, an auxiliary services corporation, an alumni association, a foundation related to a four-year institution of higher education, or any subsidiary or affiliated entity of a four-year institution of higher education.

C.18A:3B-89.3 Student-athletes, compensation, use of own name, image, likeness.

2. a. A four-year institution of higher education shall not prohibit or prevent a student-athlete who participates in intercollegiate athletics from earning compensation as a result of the use of the student-athlete's name, image, or likeness.

b. A four-year institution of higher education or any related entity of an institution may enter into a contract with a student-athlete to directly compensate the student-athlete for use of the student-athlete's name, image, or likeness.

c. Notwithstanding the provisions of subsections a. and b. of this section to the contrary, a student-athlete participating in intercollegiate athletics who is under 21 years of age shall be prohibited from earning compensation as a result of the use of the student-athlete's name, image, or likeness in connection with any person, company, or organization related to or associated with the development, production, distribution, wholesaling, or retailing of: alcohol products, tobacco and electronic smoking products and devices, and cannabis products.

C.18A:3B-89.4 Professional representation, student-athletes.

3. a. A four-year institution of higher education shall not prohibit or prevent a student-athlete participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters including, but not limited to, representation provided by athlete agents or legal representation provided by attorneys.

b. Legal representation obtained by student-athletes shall be by licensed attorneys. Athlete agents representing student-athletes shall comply with the federal "Sports Agent Responsibility and Trust Act" (15 U.S.C. s.7801 et seq.) in their relationship with student-athletes. Licensed attorneys and athlete agents shall act in a fiduciary capacity when representing a student-athlete.

C.18A:3B-89.5 Student-athlete contracts, public disclosure.

4. Notwithstanding any other law, rule, or regulation to the contrary, any contract a student-athlete enters into providing compensation to the student-athlete for use of the student-athlete's name, image, or likeness pursuant to section 2 of this act shall not be subject to public disclosure pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act.

C.18A:3B-89.6 Prohibited actions regarding student-athletes, organizations with authority over intercollegiate athletics.

5. a. An athletic association, conference with member institutions that offer athletic scholarships, or other group or organization with authority over intercollegiate athletics including, but not limited to, the National Collegiate Athletic Association, shall not:

(1) prohibit or prevent a four-year institution of higher education from becoming a member of the association, conference, or organization, or participating in intercollegiate athletics sponsored by the association, conference, or organization, as a consequence of any student-athlete earning compensation for the use of the student-athlete's name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness;

(2) take any other adverse action against a four-year institution of higher education or any other related entity of an institution, for activity permitted pursuant to this act;

(3) penalize a four-year institution of higher education or student-athlete, or prevent a four-year institution of higher education or student-athlete from participating in intercollegiate athletics, because an individual or related entity whose purpose includes supporting or benefiting the institution or student-athletes violates its rules or regulations concerning name, image, or likeness;

(4) prevent a four-year institution of higher education from compensating a student-athlete for the use of the student-athlete's name, image, or likeness; or

(5) prevent a four-year institution of higher education or any other related entity of an institution from identifying, creating, negotiating, facilitating, supporting, engaging with, assisting with, or otherwise enabling a name, image, or likeness opportunity for a student-athlete.

b. A four-year institution of higher education or any other related entity of an institution that is subjected to any actual or threatened complaint, investigation, penalty, or other adverse action of an athletic association, conference, or other group or organization with authority over intercollegiate athletics including, but not limited to, the National Collegiate Athletic Association, for engaging in activities permitted pursuant to this act, may bring an action to recover actual damages and reasonable attorney fees and may seek injunctive relief and any other remedy available at law or in equity.

C.18A:3B-89.7 Programming, educational materials on name, image, likeness use, student-athletes.

6. In each academic year, each four-year institution of higher education shall make available to all student-athletes participating in intercollegiate athletics at the institution programming or educational materials on name, image, or likeness. The programming or educational materials shall include, but not be limited to, financial literacy; brand management; life skills; and other programming on skills necessary for success as a student-athlete.

C.18A:3B-89.8 Applicability.

7. The provisions of this act shall only apply to four-year institutions of higher education that offer athletic scholarships.

Repealer.

8. P.L.2020, c.83 (C.18A:3B-86 through 18A:3B-89) is repealed.

9. This act shall take effect immediately.

Approved July 22, 2025.

SENATE, No. 4439

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 19, 2025

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen)

Senator JOSEPH P. CRYAN

District 20 (Union)

Assemblywoman LISA SWAIN

District 38 (Bergen)

Co-Sponsored by:

Senators McKnight, Mukherji and Wimberly

SYNOPSIS

Establishes protections for student-athletes and certain institutions of higher education concerning name, image, or likeness compensation; repeals “New Jersey Fair Play Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2025)

1 AN ACT concerning student-athletes, supplementing Title 18A of
2 the New Jersey Statutes, and repealing P.L.2020, c.83.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act, "related entity" includes, but is not
8 limited to, an auxiliary services corporation, an alumni association,
9 a foundation related to a four-year institution of higher education,
10 or any subsidiary or affiliated entity of a four-year institution of
11 higher education.

12
13 2. a. A four-year institution of higher education shall not
14 prohibit or prevent a student-athlete who participates in
15 intercollegiate athletics from earning compensation as a result of
16 the use of the student-athlete's name, image, or likeness.

17 b. A four-year institution of higher education or any related
18 entity of an institution may enter into a contract with a student-
19 athlete to directly compensate the student-athlete for use of the
20 student-athlete's name, image, or likeness.

21 c. Notwithstanding the provisions of subsections a. and b. of
22 this section to the contrary, a student-athlete participating in
23 intercollegiate athletics who is under 21 years of age shall be
24 prohibited from earning compensation as a result of the use of the
25 student-athlete's name, image, or likeness in connection with any
26 person, company, or organization related to or associated with the
27 development, production, distribution, wholesaling, or retailing of:
28 alcohol products; tobacco and electronic smoking products and
29 devices; and cannabis products.

30
31 3. a. A four-year institution of higher education shall not
32 prohibit or prevent a student-athlete participating in intercollegiate
33 athletics from obtaining professional representation in relation to
34 contracts or legal matters including, but not limited to,
35 representation provided by athlete agents or legal representation
36 provided by attorneys.

37 b. Legal representation obtained by student-athletes shall be by
38 licensed attorneys. Athlete agents representing student-athletes shall
39 comply with the federal "Sports Agent Responsibility and Trust
40 Act" (15 U.S.C. s.7801 et seq.) in their relationship with student-
41 athletes. Licensed attorneys and athlete agents shall act in a
42 fiduciary capacity when representing a student-athlete.

43
44 4. Notwithstanding any other law, rule, or regulation to the
45 contrary, any contract a student-athlete enters into providing
46 compensation to the student-athlete for use of the student-athlete's
47 name, image, or likeness pursuant to section 2 of this act shall not
48 be subject to public disclosure pursuant to the provisions of

1 P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open
2 public records act.

3

4 5. a. An athletic association, conference with member
5 institutions that offer athletic scholarships, or other group or
6 organization with authority over intercollegiate athletics including,
7 but not limited to, the National Collegiate Athletic Association,
8 shall not:

9 (1) prohibit or prevent a four-year institution of higher
10 education from becoming a member of the association, conference,
11 or organization, or participating in intercollegiate athletics
12 sponsored by the association, conference, or organization, as a
13 consequence of any student-athlete earning compensation for the
14 use of the student-athlete's name, image, or likeness or obtaining
15 representation by an athlete agent or attorney in connection with
16 issues related to name, image, or likeness;

17 (2) take any other adverse action against a four-year institution
18 of higher education or any other related entity of an institution, for
19 activity permitted pursuant to this act;

20 (3) penalize a four-year institution of higher education or
21 student-athlete, or prevent a four-year institution of higher
22 education or student-athlete from participating in intercollegiate
23 athletics, because an individual or related entity whose purpose
24 includes supporting or benefiting the institution or student-athletes
25 violates its rules or regulations concerning name, image, or
26 likeness;

27 (4) prevent a four-year institution of higher education from
28 compensating a student-athlete for the use of the student-athlete's
29 name, image, or likeness; or

30 (5) prevent a four-year institution of higher education or any
31 other related entity of an institution from identifying, creating,
32 negotiating, facilitating, supporting, engaging with, assisting with,
33 or otherwise enabling a name, image, or likeness opportunity for a
34 student-athlete.

35 b. A four-year institution of higher education or any other related
36 entity of an institution that is subjected to any actual or threatened
37 complaint, investigation, penalty, or other adverse action of an
38 athletic association, conference, or other group or organization with
39 authority over intercollegiate athletics including, but not limited to,
40 the National Collegiate Athletic Association, for engaging in
41 activities permitted pursuant to this act, may bring an action to
42 recover actual damages and reasonable attorney fees and may seek
43 injunctive relief and any other remedy available at law or in equity.

44

45 6. In each academic year, each four-year institution of higher
46 education shall make available to all student-athletes participating
47 in intercollegiate athletics at the institution programming or
48 educational materials on name, image, or likeness. The

1 programming or educational materials shall include, but not be
2 limited to, financial literacy; brand management; life skills; and
3 other programming on skills necessary for success as a student-
4 athlete.

5
6 7. The provisions of this act shall only apply to four-year
7 institutions of higher education that offer athletic scholarships.

8
9 8. P.L.2020, c.83 (C.18A:3B-86 through C.18A:3B-89) is
10 repealed.

11
12 9. This act shall take effect immediately.

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STATEMENT

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This bill establishes protections for student-athletes and certain institutions of higher education concerning name, image, or likeness compensation and repeals the “New Jersey Fair Play Act.”

First, this bill provides that a four-year institution of higher education is not to prohibit or prevent a student-athlete who participates in intercollegiate athletics from earning compensation as a result of the use of the student-athlete’s name, image, or likeness. The bill permits a four-year institution of higher education or any related entity of the institution to enter into a contract with a student-athlete to directly compensate the student-athlete for use of the student-athlete’s name, image, or likeness. However, the bill prohibits a student-athlete participating in intercollegiate athletics who is under 21 years of age from earning compensation as a result of the use of the student-athlete’s name, image, or likeness if it is in connection with any person, company, or organization related to or associated with alcohol products; tobacco and electronic smoking products and devices; and cannabis products.

The bill provides that a four-year institution of higher education is not to prevent a student-athlete participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters, including representation provided by athlete agents or legal representation provided by attorneys. The bill clarifies that licensed attorneys and athlete-agents are required to act in a fiduciary capacity when providing representation to a student-athlete.

The bill clarifies that any contract a student-athlete enters into that provides compensation to the student-athlete for use of the student-athlete’s name, image, or likeness is not subject to public disclosure pursuant to the State’s open public records act.

The bill also regulates certain athletic associations, conferences, or other groups or organizations with authority over intercollegiate

1 athletics, including the National Collegiate Athletic Association.
2 Under the bill, these organizations cannot:

3 (1) prohibit or prevent a four-year institution of higher
4 education from becoming a member of the organization or from
5 participating in intercollegiate athletics as a consequence of any
6 student-athlete earning compensation for the use of the student-
7 athlete's name, image, or likeness or obtaining representation by an
8 athlete agent or attorney in connection with issues related to name,
9 image, or likeness;

10 (2) take any other adverse action against a four-year institution
11 of higher education or any other related entity of an institution, for
12 activity permitted by the bill;

13 (3) penalize a four-year institution of higher education or a
14 student-athlete, or prevent them from participating in intercollegiate
15 athletics, due to a violation of the organization's rules or regulations
16 concerning name, image, or likeness;

17 (4) prevent a four-year institution of higher education from
18 compensating a student-athlete for the use of the student-athlete's
19 name, image, or likeness; or

20 (5) prevent a four-year institution of higher education or any
21 related entity of an institution from identifying, creating,
22 negotiating, facilitating, supporting, engaging with, assisting with,
23 or otherwise enabling a name, image, or likeness opportunity for a
24 student-athlete.

25 The bill provides that a four-year institution of higher education
26 or any related entity of an institution, that is subjected to any actual
27 or threatened complaint, investigation, penalty, or other adverse
28 action of any organization with authority over intercollegiate
29 athletics for engaging in activities permitted pursuant to the bill,
30 may bring an action to recover actual damages and reasonable
31 attorney fees and may seek injunctive relief and any other remedy
32 available at law or in equity.

33 In each academic year, a four-year institution of higher education
34 that offers academic scholarships is required to make available to
35 all student-athletes participating in intercollegiate athletics at the
36 institution name, image, or likeness programing or educational
37 materials. The programing and educational materials are to provide
38 students with information including, financial literacy; brand
39 management; life skills; and any other programming on skills
40 necessary for success as a student-athlete.

41 NCAA Division I and Division II institutions are permitted to
42 offer athletic scholarships. The bill applies to four-year institutions
43 of higher education that offer athletic scholarships, including
44 Division I and Division II institutions.

45 Finally, the bill repeals the "New Jersey Fair Play Act," which
46 was enacted in 2020 and is first applicable in the academic year
47 beginning in September of 2025. It is the sponsor's intent to
48 strengthen New Jersey's name, image, or likeness law to reflect

- 1 changes made at the national level since its original enactment in
- 2 2020.

ASSEMBLY HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 4439

STATE OF NEW JERSEY

DATED: JUNE 12, 2025

The Assembly Higher Education Committee reports favorably Senate Bill No. 4439.

This bill establishes protections for student-athletes and certain institutions of higher education concerning name, image, or likeness compensation and repeals the “New Jersey Fair Play Act.”

The bill provides that a four-year institution of higher education is not to prohibit or prevent a student-athlete who participates in intercollegiate athletics from earning compensation as a result of the use of the student-athlete’s name, image, or likeness. The bill permits a four-year institution of higher education or any related entity of the institution to enter into a contract with a student-athlete to directly compensate the student-athlete for use of the student-athlete’s name, image, or likeness. However, the bill prohibits a student-athlete participating in intercollegiate athletics who is under 21 years of age from earning compensation as a result of the use of the student-athlete’s name, image, or likeness if it is in connection with any person, company, or organization related to or associated with alcohol products; tobacco and electronic smoking products and devices; and cannabis products.

The bill further provides that a four-year institution of higher education is not to prevent a student-athlete participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters, including representation provided by athlete agents or legal representation provided by attorneys. The bill clarifies that licensed attorneys and athlete-agents are required to act in a fiduciary capacity when providing representation to a student-athlete.

The bill clarifies that any contract a student-athlete enters into that provides compensation to the student-athlete for use of the student-athlete’s name, image, or likeness is not subject to public disclosure pursuant to the State’s open public records act.

The bill also regulates certain athletic associations, conferences, or other groups or organizations with authority over intercollegiate athletics, including the National Collegiate Athletic Association. Under the bill, these organizations cannot:

- (1) prohibit or prevent a four-year institution of higher education from becoming a member of the organization or from participating in intercollegiate athletics as a consequence of any student-athlete

earning compensation for the use of the student-athlete's name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness;

(2) take any other adverse action against a four-year institution of higher education or any other related entity of an institution, for activity permitted by the bill;

(3) penalize a four-year institution of higher education or a student-athlete, or prevent them from participating in intercollegiate athletics, due to a violation of the organization's rules or regulations concerning name, image, or likeness;

(4) prevent a four-year institution of higher education from compensating a student-athlete for the use of the student-athlete's name, image, or likeness; or

(5) prevent a four-year institution of higher education or any related entity of an institution from identifying, creating, negotiating, facilitating, supporting, engaging with, assisting with, or otherwise enabling a name, image, or likeness opportunity for a student-athlete.

The bill provides that a four-year institution of higher education or any related entity of an institution, that is subjected to any actual or threatened complaint, investigation, penalty, or other adverse action of any organization with authority over intercollegiate athletics for engaging in activities permitted pursuant to the bill, may bring an action to recover actual damages and reasonable attorney fees and may seek injunctive relief and any other remedy available at law or in equity.

In each academic year, a four-year institution of higher education that offers academic scholarships is required to make available to all student-athletes participating in intercollegiate athletics at the institution name, image, or likeness programing or educational materials. The programing and educational materials are to provide students with information including, financial literacy; brand management; life skills; and any other programming on skills necessary for success as a student-athlete.

NCAA Division I and Division II institutions are permitted to offer athletic scholarships. The bill applies to four-year institutions of higher education that offer athletic scholarships, including Division I and Division II institutions.

Finally, the bill repeals the "New Jersey Fair Play Act," which was enacted in 2020 and is first applicable in the academic year beginning in September of 2025.

As reported by the committee, Senate Bill No. 4439 is identical to Assembly Bill No. 5729, which was also reported by the committee on this date.

SENATE HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 4439

STATE OF NEW JERSEY

DATED: MAY 22, 2025

The Senate Higher Education Committee reports favorably Senate Bill No. 4439.

This bill establishes protections for student-athletes and certain institutions of higher education concerning name, image, or likeness compensation and repeals the “New Jersey Fair Play Act.”

First, this bill provides that a four-year institution of higher education is not to prohibit or prevent a student-athlete who participates in intercollegiate athletics from earning compensation as a result of the use of the student-athlete’s name, image, or likeness. The bill permits a four-year institution of higher education or any related entity of the institution to enter into a contract with a student-athlete to directly compensate the student-athlete for use of the student-athlete’s name, image, or likeness. However, the bill prohibits a student-athlete participating in intercollegiate athletics who is under 21 years of age from earning compensation as a result of the use of the student-athlete’s name, image, or likeness if it is in connection with any person, company, or organization related to or associated with alcohol products; tobacco and electronic smoking products and devices; and cannabis products.

The bill provides that a four-year institution of higher education is not to prevent a student-athlete participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters, including representation provided by athlete agents or legal representation provided by attorneys. The bill clarifies that licensed attorneys and athlete-agents are required to act in a fiduciary capacity when providing representation to a student-athlete.

The bill clarifies that any contract a student-athlete enters into that provides compensation to the student-athlete for use of the student-athlete’s name, image, or likeness is not subject to public disclosure pursuant to the State’s open public records act.

The bill also regulates certain athletic associations, conferences, or other groups or organizations with authority over intercollegiate athletics, including the National Collegiate Athletic Association. Under the bill, these organizations cannot:

(1) prohibit or prevent a four-year institution of higher education from becoming a member of the organization or from participating in intercollegiate athletics as a consequence of any student-athlete earning compensation for the use of the student-athlete’s name, image,

or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness;

(2) take any other adverse action against a four-year institution of higher education or any other related entity of an institution, for activity permitted by the bill;

(3) penalize a four-year institution of higher education or a student-athlete, or prevent them from participating in intercollegiate athletics, due to a violation of the organization's rules or regulations concerning name, image, or likeness;

(4) prevent a four-year institution of higher education from compensating a student-athlete for the use of the student-athlete's name, image, or likeness; or

(5) prevent a four-year institution of higher education or any related entity of an institution from identifying, creating, negotiating, facilitating, supporting, engaging with, assisting with, or otherwise enabling a name, image, or likeness opportunity for a student-athlete.

The bill provides that a four-year institution of higher education or any related entity of an institution, that is subjected to any actual or threatened complaint, investigation, penalty, or other adverse action of any organization with authority over intercollegiate athletics for engaging in activities permitted pursuant to the bill, may bring an action to recover actual damages and reasonable attorney fees and may seek injunctive relief and any other remedy available at law or in equity.

In each academic year, a four-year institution of higher education that offers academic scholarships is required to make available to all student-athletes participating in intercollegiate athletics at the institution name, image, or likeness programming or educational materials. The programming and educational materials are to provide students with information including, financial literacy; brand management; life skills; and any other programming on skills necessary for success as a student-athlete.

NCAA Division I and Division II institutions are permitted to offer athletic scholarships. The bill applies to four-year institutions of higher education that offer athletic scholarships, including Division I and Division II institutions.

Finally, the bill repeals the "New Jersey Fair Play Act," which was enacted in 2020 and is first applicable in the academic year beginning in September of 2025.

ASSEMBLY, No. 5729

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 22, 2025

Sponsored by:
Assemblywoman LISA SWAIN
District 38 (Bergen)

SYNOPSIS

Establishes protections for student-athletes and certain institutions of higher education concerning name, image, or likeness compensation; repeals “New Jersey Fair Play Act.”

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning student-athletes, supplementing Title 18A of
2 the New Jersey Statutes, and repealing P.L.2020, c.83.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act, "related entity" includes, but is not
8 limited to, an auxiliary services corporation, an alumni association,
9 a foundation related to a four-year institution of higher education,
10 or any subsidiary or affiliated entity of a four-year institution of
11 higher education.

12
13 2. a. A four-year institution of higher education shall not
14 prohibit or prevent a student-athlete who participates in
15 intercollegiate athletics from earning compensation as a result of
16 the use of the student-athlete's name, image, or likeness.

17 b. A four-year institution of higher education or any related
18 entity of an institution may enter into a contract with a student-
19 athlete to directly compensate the student-athlete for use of the
20 student-athlete's name, image, or likeness.

21 c. Notwithstanding the provisions of subsections a. and b. of
22 this section to the contrary, a student-athlete participating in
23 intercollegiate athletics who is under 21 years of age shall be
24 prohibited from earning compensation as a result of the use of the
25 student-athlete's name, image, or likeness in connection with any
26 person, company, or organization related to or associated with the
27 development, production, distribution, wholesaling, or retailing of:
28 alcohol products; tobacco and electronic smoking products and
29 devices; and cannabis products.

30
31 3. a. A four-year institution of higher education shall not
32 prohibit or prevent a student-athlete participating in intercollegiate
33 athletics from obtaining professional representation in relation to
34 contracts or legal matters including, but not limited to,
35 representation provided by athlete agents or legal representation
36 provided by attorneys.

37 b. Legal representation obtained by student-athletes shall be by
38 licensed attorneys. Athlete agents representing student-athletes shall
39 comply with the federal "Sports Agent Responsibility and Trust
40 Act" (15 U.S.C. s.7801 et seq.) in their relationship with student-
41 athletes. Licensed attorneys and athlete agents shall act in a
42 fiduciary capacity when representing a student-athlete.

43
44 4. Notwithstanding any other law, rule, or regulation to the
45 contrary, any contract a student-athlete enters into providing
46 compensation to the student-athlete for use of the student-athlete's
47 name, image, or likeness pursuant to section 2 of this act shall not
48 be subject to public disclosure pursuant to the provisions of

1 P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open
2 public records act.

3

4 5. a. An athletic association, conference with member
5 institutions that offer athletic scholarships, or other group or
6 organization with authority over intercollegiate athletics including,
7 but not limited to, the National Collegiate Athletic Association,
8 shall not:

9 (1) prohibit or prevent a four-year institution of higher
10 education from becoming a member of the association, conference,
11 or organization, or participating in intercollegiate athletics
12 sponsored by the association, conference, or organization, as a
13 consequence of any student-athlete earning compensation for the
14 use of the student-athlete's name, image, or likeness or obtaining
15 representation by an athlete agent or attorney in connection with
16 issues related to name, image, or likeness;

17 (2) take any other adverse action against a four-year institution
18 of higher education or any other related entity of an institution, for
19 activity permitted pursuant to this act;

20 (3) penalize a four-year institution of higher education or
21 student-athlete, or prevent a four-year institution of higher
22 education or student-athlete from participating in intercollegiate
23 athletics, because an individual or related entity whose purpose
24 includes supporting or benefiting the institution or student-athletes
25 violates its rules or regulations concerning name, image, or
26 likeness;

27 (4) prevent a four-year institution of higher education from
28 compensating a student-athlete for the use of the student-athlete's
29 name, image, or likeness; or

30 (5) prevent a four-year institution of higher education or any
31 other related entity of an institution from identifying, creating,
32 negotiating, facilitating, supporting, engaging with, assisting with,
33 or otherwise enabling a name, image, or likeness opportunity for a
34 student-athlete.

35 b. A four-year institution of higher education or any other
36 related entity of an institution that is subjected to any actual or
37 threatened complaint, investigation, penalty, or other adverse action
38 of an athletic association, conference, or other group or
39 organization with authority over intercollegiate athletics including,
40 but not limited to, the National Collegiate Athletic Association, for
41 engaging in activities permitted pursuant to this act, may bring an
42 action to recover actual damages and reasonable attorney fees and
43 may seek injunctive relief and any other remedy available at law or
44 in equity.

45

46 6. In each academic year, each four-year institution of higher
47 education shall make available to all student-athletes participating
48 in intercollegiate athletics at the institution programming or

1 educational materials on name, image, or likeness. The
2 programming or educational materials shall include, but not be
3 limited to, financial literacy; brand management; life skills; and
4 other programming on skills necessary for success as a student-
5 athlete.

6
7 7. The provisions of this act shall only apply to four-year
8 institutions of higher education that offer athletic scholarships.

9
10 8. P.L.2020, c.83 (C.18A:3B-86 through C.18A:3B-89) is
11 repealed.

12
13 9. This act shall take effect immediately.

14
15
16 STATEMENT

17
18 This bill establishes protections for student-athletes and certain
19 institutions of higher education concerning name, image, or likeness
20 compensation and repeals the “New Jersey Fair Play Act.”

21 First, this bill provides that a four-year institution of higher
22 education is not to prohibit or prevent a student-athlete who
23 participates in intercollegiate athletics from earning compensation
24 as a result of the use of the student-athlete’s name, image, or
25 likeness. The bill permits a four-year institution of higher
26 education or any related entity of the institution to enter into a
27 contract with a student-athlete to directly compensate the student-
28 athlete for use of the student-athlete’s name, image, or likeness.
29 However, the bill prohibits a student-athlete participating in
30 intercollegiate athletics who is under 21 years of age from earning
31 compensation as a result of the use of the student-athlete’s name,
32 image, or likeness if it is in connection with any person, company,
33 or organization related to or associated with alcohol products;
34 tobacco and electronic smoking products and devices; and cannabis
35 products.

36 The bill provides that a four-year institution of higher education
37 is not to prevent a student-athlete participating in intercollegiate
38 athletics from obtaining professional representation in relation to
39 contracts or legal matters, including representation provided by
40 athlete agents or legal representation provided by attorneys. The
41 bill clarifies that licensed attorneys and athlete-agents are required
42 to act in a fiduciary capacity when providing representation to a
43 student-athlete.

44 The bill clarifies that any contract a student-athlete enters into
45 that provides compensation to the student-athlete for use of the
46 student-athlete’s name, image, or likeness is not subject to public
47 disclosure pursuant to the State’s open public records act.

1 The bill also regulates certain athletic associations, conferences,
2 or other groups or organizations with authority over intercollegiate
3 athletics, including the National Collegiate Athletic Association.
4 Under the bill, these organizations cannot:

5 (1) prohibit or prevent a four-year institution of higher
6 education from becoming a member of the organization or from
7 participating in intercollegiate athletics as a consequence of any
8 student-athlete earning compensation for the use of the student-
9 athlete's name, image, or likeness or obtaining representation by an
10 athlete agent or attorney in connection with issues related to name,
11 image, or likeness;

12 (2) take any other adverse action against a four-year institution
13 of higher education or any other related entity of an institution, for
14 activity permitted by the bill;

15 (3) penalize a four-year institution of higher education or a
16 student-athlete, or prevent them from participating in intercollegiate
17 athletics, due to a violation of the organization's rules or regulations
18 concerning name, image, or likeness;

19 (4) prevent a four-year institution of higher education from
20 compensating a student-athlete for the use of the student-athlete's
21 name, image, or likeness; or

22 (5) prevent a four-year institution of higher education or any
23 related entity of an institution from identifying, creating,
24 negotiating, facilitating, supporting, engaging with, assisting with,
25 or otherwise enabling a name, image, or likeness opportunity for a
26 student-athlete.

27 The bill provides that a four-year institution of higher education
28 or any related entity of an institution, that is subjected to any actual
29 or threatened complaint, investigation, penalty, or other adverse
30 action of any organization with authority over intercollegiate
31 athletics for engaging in activities permitted pursuant to the bill,
32 may bring an action to recover actual damages and reasonable
33 attorney fees and may seek injunctive relief and any other remedy
34 available at law or in equity.

35 In each academic year, a four-year institution of higher education
36 that offers academic scholarships is required to make available to
37 all student-athletes participating in intercollegiate athletics at the
38 institution name, image, or likeness programing or educational
39 materials. The programing and educational materials are to provide
40 students with information including, financial literacy; brand
41 management; life skills; and any other programming on skills
42 necessary for success as a student-athlete.

43 NCAA Division I and Division II institutions are permitted to
44 offer athletic scholarships. The bill applies to four-year institutions
45 of higher education that offer athletic scholarships, including
46 Division I and Division II institutions.

47 Finally, the bill repeals the "New Jersey Fair Play Act," which
48 was enacted in 2020 and is first applicable in the academic year

1 beginning in September of 2025. It is the sponsor's intent to
2 strengthen New Jersey's name, image, or likeness law to reflect
3 changes made at the national level since its original enactment in
4 2020.

ASSEMBLY HIGHER EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5729

STATE OF NEW JERSEY

DATED: JUNE 12, 2025

The Assembly Higher Education Committee reports favorably Assembly Bill No. 5729.

This bill establishes protections for student-athletes and certain institutions of higher education concerning name, image, or likeness compensation and repeals the “New Jersey Fair Play Act.”

The bill provides that a four-year institution of higher education is not to prohibit or prevent a student-athlete who participates in intercollegiate athletics from earning compensation as a result of the use of the student-athlete’s name, image, or likeness. The bill permits a four-year institution of higher education or any related entity of the institution to enter into a contract with a student-athlete to directly compensate the student-athlete for use of the student-athlete’s name, image, or likeness. However, the bill prohibits a student-athlete participating in intercollegiate athletics who is under 21 years of age from earning compensation as a result of the use of the student-athlete’s name, image, or likeness if it is in connection with any person, company, or organization related to or associated with alcohol products; tobacco and electronic smoking products and devices; and cannabis products.

The bill further provides that a four-year institution of higher education is not to prevent a student-athlete participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters, including representation provided by athlete agents or legal representation provided by attorneys. The bill clarifies that licensed attorneys and athlete-agents are required to act in a fiduciary capacity when providing representation to a student-athlete.

The bill clarifies that any contract a student-athlete enters into that provides compensation to the student-athlete for use of the student-athlete’s name, image, or likeness is not subject to public disclosure pursuant to the State’s open public records act.

The bill also regulates certain athletic associations, conferences, or other groups or organizations with authority over intercollegiate athletics, including the National Collegiate Athletic Association. Under the bill, these organizations cannot:

(1) prohibit or prevent a four-year institution of higher education from becoming a member of the organization or from participating in intercollegiate athletics as a consequence of any student-athlete

earning compensation for the use of the student-athlete's name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness;

(2) take any other adverse action against a four-year institution of higher education or any other related entity of an institution, for activity permitted by the bill;

(3) penalize a four-year institution of higher education or a student-athlete, or prevent them from participating in intercollegiate athletics, due to a violation of the organization's rules or regulations concerning name, image, or likeness;

(4) prevent a four-year institution of higher education from compensating a student-athlete for the use of the student-athlete's name, image, or likeness; or

(5) prevent a four-year institution of higher education or any related entity of an institution from identifying, creating, negotiating, facilitating, supporting, engaging with, assisting with, or otherwise enabling a name, image, or likeness opportunity for a student-athlete.

The bill provides that a four-year institution of higher education or any related entity of an institution, that is subjected to any actual or threatened complaint, investigation, penalty, or other adverse action of any organization with authority over intercollegiate athletics for engaging in activities permitted pursuant to the bill, may bring an action to recover actual damages and reasonable attorney fees and may seek injunctive relief and any other remedy available at law or in equity.

In each academic year, a four-year institution of higher education that offers academic scholarships is required to make available to all student-athletes participating in intercollegiate athletics at the institution name, image, or likeness programing or educational materials. The programing and educational materials are to provide students with information including, financial literacy; brand management; life skills; and any other programming on skills necessary for success as a student-athlete.

NCAA Division I and Division II institutions are permitted to offer athletic scholarships. The bill applies to four-year institutions of higher education that offer athletic scholarships, including Division I and Division II institutions.

Finally, the bill repeals the "New Jersey Fair Play Act," which was enacted in 2020 and is first applicable in the academic year beginning in September of 2025.

As reported by the committee, Assembly Bill No. 5729 is identical to Senate Bill No. 4439, which was also reported by the committee on this date.

Governor Murphy Takes Action on Legislation

Posted on - 07/22/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

S2167/A1406 (Ruiz, Vitale/Haider, Swain) – Requires public and certain nonpublic schools to comply with breakfast and lunch standards adopted by USDA

S3052/A4878 (Johnson, Space/Park, Tucker, Speight) – Concerns grade options at public institutions of higher education for service member and dependents unable to complete course due to military obligation

S3711/A5153 (McKeon, Zwicker/Haider, Reynolds-Jackson, Spearman) – Makes annual allocation of \$500,000 from Clean Communities Program Fund for public outreach concerning single-use plastics reduction program permanent.

SCS for S3982/A4592 (Ruiz/Reynolds-Jackson/Carter, Morales) – Requires certain information be provided to parent at least two business days prior to annual Individualized Education Program (IEP) team meeting; establishes IEP Improvement Working Group in DOE.

S4263/A5408 (Vitale, Scutari/Carter, Sumter. Speight) – Revises certain provisions concerning, and establishes certain education and data reporting requirements related to, involuntary commitment.

S4426/A5622 (Burzichelli, Singer/Schnall, Peterpaul, Kane) – Appropriates funds to DEP for environmental infrastructure projects for FY2026

S4439/A5729 (Lagana, Cryan/Swain) – Establishes protections for student-athletes and certain institutions of higher education concerning name, image, or likeness compensation; repeals “New Jersey Fair Play Act.”

A3128/SCS for S4071/S3155 (Coughlin, Wimberly, Pintor Marin/Ruiz, Scutari, Singleton, Greenstein, Turner) – Authorizes HMFA to use certain tax credits; directs HMFA to conduct tax credit auctions to provide financial assistance for certain housing purposes

A4897/S3769 (Carter, Atkins, Reynolds-Jackson/Cryan, Amato) – Revises law requiring certain student identification cards to contain telephone number for suicide prevention hotline

A5170/S4027 (Pintor Marin, Speight/Cruz-Perez, Pou) – Requires State to purchase certain unused tax credits issued under New Jersey Economic Recovery Act of 2020

A5546/S4388 (Verrelli, Reynolds-Jackson/Turner) – Concerns financial powers and responsibilities of Capital City Redevelopment Corporation.