

18A:3B-86 to 18A:3B-89
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2020 **CHAPTER:** 83

NJSA: 18A:3B-86 to 18A:3B-89 ("New Jersey Fair Play Act"; allows collegiate student-athletes to earn compensation for use of name, image, or likeness.)

BILL NO: S971 (Substituted for A2106)

SPONSOR(S) Joseph A. Lagana and others

DATE INTRODUCED: 1/27/2020

COMMITTEE: **ASSEMBLY:** Higher Education
 SENATE: Higher Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 7/30/2020
 SENATE: 7/30/2020

DATE OF APPROVAL: 9/14/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

S971

INTRODUCED BILL (INCLUDES SPONSOR’S STATEMENT): Yes

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

A2106

INTRODUCED BILL (INCLUDES SPONSOR’S STATEMENT): Yes

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

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/CL

P.L. 2020, CHAPTER 83, *approved September 14, 2020*
Senate, No. 971 (*First Reprint*)

1 AN ACT concerning student-athletes at certain institutions of higher
2 education and supplementing chapter 3B of Title 18A of the New
3 Jersey Statutes.

4

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

7

8 1. This act shall be known and may be cited as the “New Jersey
9 Fair Play Act.”

10

11 2. a. A four-year institution of higher education shall not:

12 (1) uphold any rule, requirement, standard, or other limitation
13 that prevents a student of that institution participating in
14 intercollegiate athletics from earning compensation as a result of
15 the use of the student’s name, image, or likeness.

16 Except as otherwise provided pursuant to subsection b. of this
17 section, earning compensation from the use of a student’s name,
18 image, or likeness shall not affect the student’s institutional
19 scholarship eligibility. An institutional scholarship shall not be
20 considered compensation for the purposes of this act and a
21 scholarship shall not be revoked as a result of a student earning
22 compensation or obtaining professional representation;

23 (2) provide a prospective student-athlete with compensation in
24 relation to the student-athlete’s name, image, or likeness; or

25 (3) prevent a student participating in intercollegiate athletics
26 from obtaining professional representation in relation to contracts or
27 legal matters including, but not limited to, representation provided
28 by athlete agents or legal representation provided by attorneys.

29 Legal representation obtained by student-athletes shall be from
30 attorneys licensed by the State. Athlete agents representing student-
31 athletes shall comply with the federal “Sports Agent Responsibility
32 and Trust Act” (15 U.S.C. s.7801 et seq.) in their relationship with
33 student-athletes.

34 b. Notwithstanding the provisions of subsection a. of this
35 section to the contrary, a student participating in intercollegiate
36 athletics shall be prohibited from earning compensation as a result
37 of the use of the student’s name, image, or likeness in connection
38 with any person, company, or organization related to or associated

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHI committee amendments adopted March 5, 2020.

1 with the development, production, distribution, wholesaling, or
2 retailing of: adult entertainment products and services; alcohol
3 products; casinos and gambling, including sports betting, the
4 lottery, and betting in connection with video games, on-line games,
5 and mobile devices; tobacco and electronic smoking products and
6 devices; ¹prescription¹ pharmaceuticals; a controlled dangerous
7 substance; and weapons, including firearms and ammunition.

8 Earning compensation from the use of a student's name, image,
9 or likeness in connection with products and services listed pursuant
10 to this subsection shall result in the revocation of the student's
11 institutional scholarship eligibility.

12

13 3. A four-year institution of higher education ¹【shall not be a
14 member of any athletic association, conference, or other group or
15 organization with authority over intercollegiate athletics including,
16 but not limited to, the National Collegiate Athletic Association,
17 that:

18 a. prohibits a student-athlete participating in intercollegiate
19 athletics from earning compensation as a result of the use of the
20 student's name, image, or likeness;

21 b. prohibits an institution of higher education from
22 participating in intercollegiate athletics as a result of the
23 compensation of a student-athlete for the use of the student's name,
24 image, or likeness;

25 c. provides a prospective student-athlete with compensation in
26 relation to the student-athlete's name, image, or likeness; or

27 d. prevents a student participating in intercollegiate athletics
28 from obtaining professional representation in relation to contracts or
29 legal matters including, but not limited to, representation provided
30 by athlete agents or legal representation provided by attorneys】 , an
31 entity whose purpose includes supporting or benefitting the
32 institution or its athletic programs, or any officer, director, or
33 employee of the institution or entity, shall not compensate or cause
34 compensation to be directed to a current or prospective student-
35 athlete participating in intercollegiate athletics for use of the
36 student's name, image, or likeness¹.

37

38 4. a. A student-athlete who enters into a contract providing
39 compensation to the student-athlete for use of his name, image, or
40 likeness shall disclose the contract to an official of the four-year
41 institution of higher education, to be designated by the institution.

42 b. A student-athlete shall not enter into a contract providing
43 compensation to the student-athlete for use of his name, image, or
44 likeness if a provision of the contract:

45 (1) conflicts with a provision of the student-athlete's team
46 contract; or

47 (2) conflicts with the provisions of subsection b. of section 2 of
48 this act.

1 c. An institutional team contract shall not prevent a student-
2 athlete from using the athlete's name, image, or likeness for a
3 commercial purpose when the athlete is not engaged in official team
4 activities.

5 d. An institutional team contract shall allow the institution,
6 athletic association, conference, or other group or organization with
7 authority over intercollegiate athletics to use the athlete's name,
8 image, or likeness for advertising and marketing purposes without
9 additional compensation paid to the student-athlete.

10 e. An institution asserting a conflict pursuant to subsection b.
11 of this section shall disclose to the student-athlete and to the
12 student-athlete's professional representation the relevant contractual
13 provisions that are in conflict.

14

15 5. This act shall take effect immediately and shall first be
16 applicable in the fifth academic year following the date of
17 enactment.

18

19

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21

22 "New Jersey Fair Play Act"; allows collegiate student-athletes to
23 earn compensation for use of name, image, or likeness.

SENATE, No. 971

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Beach and Turner

SYNOPSIS

“New Jersey Fair Play Act”; allows collegiate student-athletes to earn compensation for use of name, image, or likeness.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/10/2020)

1 AN ACT concerning student-athletes at certain institutions of higher
2 education and supplementing chapter 3B of Title 18A of the New
3 Jersey Statutes.

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

7
8 1. This act shall be known and may be cited as the “New Jersey
9 Fair Play Act.”

10
11 2. a. A four-year institution of higher education shall not:
12 (1) uphold any rule, requirement, standard, or other limitation
13 that prevents a student of that institution participating in
14 intercollegiate athletics from earning compensation as a result of
15 the use of the student’s name, image, or likeness.

16 Except as otherwise provided pursuant to subsection b. of this
17 section, earning compensation from the use of a student’s name,
18 image, or likeness shall not affect the student’s institutional
19 scholarship eligibility. An institutional scholarship shall not be
20 considered compensation for the purposes of this act and a
21 scholarship shall not be revoked as a result of a student earning
22 compensation or obtaining professional representation;

23 (2) provide a prospective student-athlete with compensation in
24 relation to the student-athlete’s name, image, or likeness; or

25 (3) prevent a student participating in intercollegiate athletics
26 from obtaining professional representation in relation to contracts or
27 legal matters including, but not limited to, representation provided
28 by athlete agents or legal representation provided by attorneys.

29 Legal representation obtained by student-athletes shall be from
30 attorneys licensed by the State. Athlete agents representing student-
31 athletes shall comply with the federal “Sports Agent Responsibility
32 and Trust Act” (15 U.S.C. s.7801 et seq.) in their relationship with
33 student-athletes.

34 b. Notwithstanding the provisions of subsection a. of this
35 section to the contrary, a student participating in intercollegiate
36 athletics shall be prohibited from earning compensation as a result
37 of the use of the student’s name, image, or likeness in connection
38 with any person, company, or organization related to or associated
39 with the development, production, distribution, wholesaling, or
40 retailing of: adult entertainment products and services; alcohol
41 products; casinos and gambling, including sports betting, the
42 lottery, and betting in connection with video games, on-line games,
43 and mobile devices; tobacco and electronic smoking products and
44 devices; pharmaceuticals; a controlled dangerous substance; and
45 weapons, including firearms and ammunition.

46 Earning compensation from the use of a student’s name, image,
47 or likeness in connection with products and services listed pursuant

1 to this subsection shall result in the revocation of the student's
2 institutional scholarship eligibility.

3

4 3. A four-year institution of higher education shall not be a
5 member of any athletic association, conference, or other group or
6 organization with authority over intercollegiate athletics including,
7 but not limited to, the National Collegiate Athletic Association,
8 that:

9 a. prohibits a student-athlete participating in intercollegiate
10 athletics from earning compensation as a result of the use of the
11 student's name, image, or likeness;

12 b. prohibits an institution of higher education from
13 participating in intercollegiate athletics as a result of the
14 compensation of a student-athlete for the use of the student's name,
15 image, or likeness;

16 c. provides a prospective student-athlete with compensation in
17 relation to the student-athlete's name, image, or likeness; or

18 d. prevents a student participating in intercollegiate athletics
19 from obtaining professional representation in relation to contracts or
20 legal matters including, but not limited to, representation provided
21 by athlete agents or legal representation provided by attorneys.

22

23 4. a. A student-athlete who enters into a contract providing
24 compensation to the student-athlete for use of his name, image, or
25 likeness shall disclose the contract to an official of the four-year
26 institution of higher education, to be designated by the institution.

27 b. A student-athlete shall not enter into a contract providing
28 compensation to the student-athlete for use of his name, image, or
29 likeness if a provision of the contract:

30 (1) conflicts with a provision of the student-athlete's team
31 contract; or

32 (2) conflicts with the provisions of subsection b. of section 2 of
33 this act.

34 c. An institutional team contract shall not prevent a student-
35 athlete from using the athlete's name, image, or likeness for a
36 commercial purpose when the athlete is not engaged in official team
37 activities.

38 d. An institutional team contract shall allow the institution,
39 athletic association, conference, or other group or organization with
40 authority over intercollegiate athletics to use the athlete's name,
41 image, or likeness for advertising and marketing purposes without
42 additional compensation paid to the student-athlete.

43 e. An institution asserting a conflict pursuant to subsection b.
44 of this section shall disclose to the student-athlete and to the
45 student-athlete's professional representation the relevant contractual
46 provisions that are in conflict.

1 5. This act shall take effect immediately and shall first be
2 applicable in the fifth academic year following the date of
3 enactment.

4

5

6

STATEMENT

7

8 This bill allows certain collegiate student-athletes to earn
9 compensation for the use of their name, image, or likeness. Under
10 the bill, a four-year institution of higher education will be
11 prohibited from upholding any rule, requirement, standard, or other
12 limitation that prevents a student of that institution participating in
13 intercollegiate athletics from earning compensation as a result of
14 the use of the student's name, image, or likeness. Earning
15 compensation from the use of a student's name, image, or likeness
16 will not affect the student's institutional scholarship eligibility.

17 The bill specifies, however, that a student is prohibited from
18 earning compensation as a result of the use of the student's name,
19 image, or likeness in connection with any person, company, or
20 organization related to or associated with the development,
21 production, distribution, wholesaling, or retailing of: adult
22 entertainment products and services; alcohol products; casinos and
23 gambling, including sports betting, the lottery, and betting in
24 connection with video games, on-line games, and mobile devices;
25 tobacco and electronic smoking products and devices;
26 pharmaceuticals; controlled dangerous substances; and weapons,
27 including firearms and ammunition.

28 Under the bill, a four-year institution is prohibited from being a
29 member of any athletic association, conference, or other group or
30 organization with authority over intercollegiate athletics, including
31 but not limited to, the National Collegiate Athletic Association,
32 that:

- 33 • prohibits a student-athlete participating in intercollegiate
34 athletics from earning compensation as a result of the use
35 of the student's name, image, or likeness;
- 36 • prohibits an institution of higher education from
37 participating in intercollegiate athletics as a result of the
38 compensation of a student-athlete for the use of the
39 student's name, image, or likeness;
- 40 • provides a prospective student-athlete with compensation
41 in relation to the student-athlete's name, image, or
42 likeness; or
- 43 • prevents a New Jersey student participating in
44 intercollegiate athletics from obtaining professional
45 representation in relation to contracts or legal matters
46 including, but not limited to, representation provided by
47 athlete agents or legal representation provided by
48 attorneys.

S971 LAGANA, CUNNINGHAM

5

1 The bill provides that a student-athlete who enters into a contract
2 providing compensation to the student-athlete for use of his name,
3 image, or likeness must disclose the contract to an official of the
4 four-year institution of higher education, to be designated by the
5 institution. An institutional team contract may not prevent a
6 student-athlete from using the athlete's name, image, or likeness for
7 a commercial purpose when the athlete is not engaged in official
8 team activities.

ASSEMBLY HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 971

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 2020

The Assembly Higher Education Committee reports favorably Senate Bill No. 971 with committee amendments.

As amended, this bill allows certain collegiate student-athletes to earn compensation for the use of their name, image, or likeness. Under the bill, a four-year institution of higher education will be prohibited from upholding any rule, requirement, standard, or other limitation that prevents a student of that institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness will not affect the student's institutional scholarship eligibility.

The bill specifies, however, that a student is prohibited from earning compensation as a result of the use of the student'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: adult entertainment products and services; alcohol products; casinos and gambling, including sports betting, the lottery, and betting in connection with video games, on-line games, and mobile devices; tobacco and electronic smoking products and devices; prescription pharmaceuticals; controlled dangerous substances; and weapons, including firearms and ammunition.

Under the bill, a four-year institution of higher education, an entity whose purpose includes supporting or benefitting the institution or its athletic programs, or any officer, director, or employee of the institution or entity, is prohibited from compensating or causing compensation to be directed to a current or prospective student-athlete participating in intercollegiate athletics for use of the student's name, image, or likeness.

The bill provides that a student-athlete who enters into a contract providing compensation to the student-athlete for use of his name, image, or likeness must disclose the contract to an official of the four-year institution of higher education, to be designated by the institution. An institutional team contract may not prevent a student-athlete from using the athlete's name, image, or likeness for

a commercial purpose when the athlete is not engaged in official team activities.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2106, which also was amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

1. Specify that a student is prohibited from earning compensation as a result of the use of the student's name, image, or likeness in connection with prescription pharmaceuticals;
2. Remove language concerning athletic associations, conferences, or other groups or organizations with authority over intercollegiate athletics, including the National Collegiate Athletic Association; and
3. Add language prohibiting an entity whose purpose includes supporting or benefitting the institution or its athletic programs from compensating current or prospective student-athletes.

SENATE HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 971

STATE OF NEW JERSEY

DATED: JANUARY 30, 2020

The Senate Higher Education Committee reports favorably Senate Bill No. 971.

This bill allows certain collegiate student-athletes to earn compensation for the use of their name, image, or likeness. Under the bill, a four-year institution of higher education will be prohibited from upholding any rule, requirement, standard, or other limitation that prevents a student of that institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness will not affect the student's institutional scholarship eligibility.

The bill specifies, however, that a student is prohibited from earning compensation as a result of the use of the student'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: adult entertainment products and services; alcohol products; casinos and gambling, including sports betting, the lottery, and betting in connection with video games, on-line games, and mobile devices; tobacco and electronic smoking products and devices; pharmaceuticals; controlled dangerous substances; and weapons, including firearms and ammunition.

Under the bill, a four-year institution is prohibited from being a member of any athletic association, conference, or other group or organization with authority over intercollegiate athletics, including but not limited to, the National Collegiate Athletic Association, that:

- prohibits a student-athlete participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness;
- prohibits an institution of higher education from participating in intercollegiate athletics as a result of the compensation of a student-athlete for the use of the student's name, image, or likeness;
- provides a prospective student-athlete with compensation in relation to the student-athlete's name, image, or likeness; or

- prevents a New Jersey student 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.

The bill provides that a student-athlete who enters into a contract providing compensation to the student-athlete for use of his name, image, or likeness must disclose the contract to an official of the four-year institution of higher education, to be designated by the institution. An institutional team contract may not prevent a student-athlete from using the athlete's name, image, or likeness for a commercial purpose when the athlete is not engaged in official team activities.

ASSEMBLY, No. 2106

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

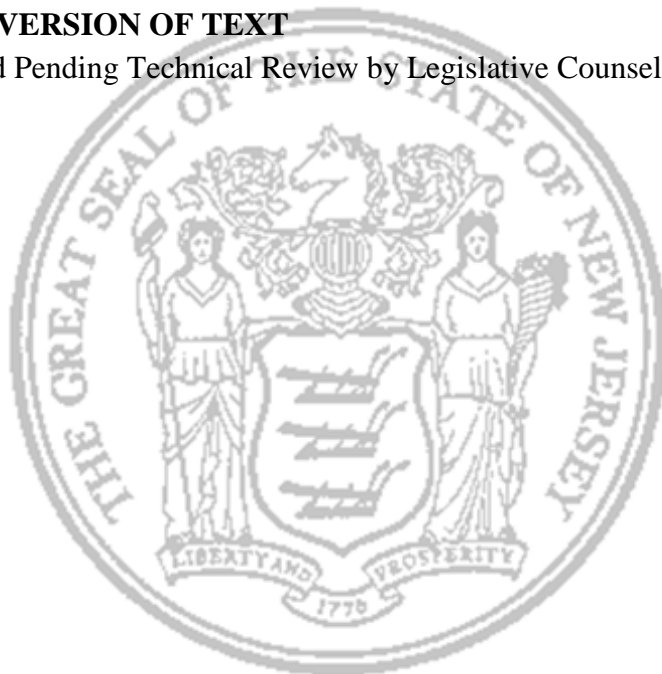
**Assemblywomen Reynolds-Jackson, McKnight, Pinkin, Assemblyman
Karabinchak and Assemblywoman Lopez**

SYNOPSIS

“New Jersey Fair Play Act”; allows collegiate student-athletes to earn compensation for use of name, image, or likeness.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning student-athletes at certain institutions of higher
2 education and supplementing chapter 3B of Title 18A of the New
3 Jersey Statutes.

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

7
8 1. This act shall be known and may be cited as the “New Jersey
9 Fair Play Act.”

10
11 2. a. A four-year institution of higher education shall not:
12 (1) uphold any rule, requirement, standard, or other limitation
13 that prevents a student of that institution participating in
14 intercollegiate athletics from earning compensation as a result of
15 the use of the student’s name, image, or likeness.

16 Except as otherwise provided pursuant to subsection b. of this
17 section, earning compensation from the use of a student’s name,
18 image, or likeness shall not affect the student’s institutional
19 scholarship eligibility. An institutional scholarship shall not be
20 considered compensation for the purposes of this act and a
21 scholarship shall not be revoked as a result of a student earning
22 compensation or obtaining professional representation;

23 (2) provide a prospective student-athlete with compensation in
24 relation to the student-athlete’s name, image, or likeness; or

25 (3) prevent a student participating in intercollegiate athletics
26 from obtaining professional representation in relation to contracts or
27 legal matters including, but not limited to, representation provided
28 by athlete agents or legal representation provided by attorneys.

29 Legal representation obtained by student-athletes shall be from
30 attorneys licensed by the State. Athlete agents representing student-
31 athletes shall comply with the federal “Sports Agent Responsibility
32 and Trust Act” (15 U.S.C. s.7801 et seq.) in their relationship with
33 student-athletes.

34 b. Notwithstanding the provisions of subsection a. of this
35 section to the contrary, a student participating in intercollegiate
36 athletics shall be prohibited from earning compensation as a result
37 of the use of the student’s name, image, or likeness in connection
38 with any person, company, or organization related to or associated
39 with the development, production, distribution, wholesaling, or
40 retailing of: adult entertainment products and services; alcohol
41 products; casinos and gambling, including sports betting, the
42 lottery, and betting in connection with video games, on-line games,
43 and mobile devices; tobacco and electronic smoking products and
44 devices; pharmaceuticals; a controlled dangerous substance; and
45 weapons, including firearms and ammunition.

46 Earning compensation from the use of a student’s name, image,
47 or likeness in connection with products and services listed pursuant

1 to this subsection shall result in the revocation of the student's
2 institutional scholarship eligibility.

3

4 3. A four-year institution of higher education shall not be a
5 member of any athletic association, conference, or other group or
6 organization with authority over intercollegiate athletics including,
7 but not limited to, the National Collegiate Athletic Association,
8 that:

9 a. prohibits a student-athlete participating in intercollegiate
10 athletics from earning compensation as a result of the use of the
11 student's name, image, or likeness;

12 b. prohibits an institution of higher education from
13 participating in intercollegiate athletics as a result of the
14 compensation of a student-athlete for the use of the student's name,
15 image, or likeness;

16 c. provides a prospective student-athlete with compensation in
17 relation to the student-athlete's name, image, or likeness; or

18 d. prevents a student participating in intercollegiate athletics
19 from obtaining professional representation in relation to contracts or
20 legal matters including, but not limited to, representation provided
21 by athlete agents or legal representation provided by attorneys.

22

23 4. a. A student-athlete who enters into a contract providing
24 compensation to the student-athlete for use of his name, image, or
25 likeness shall disclose the contract to an official of the four-year
26 institution of higher education, to be designated by the institution.

27 b. A student-athlete shall not enter into a contract providing
28 compensation to the student-athlete for use of his name, image, or
29 likeness if a provision of the contract:

30 (1) conflicts with a provision of the student-athlete's team
31 contract; or

32 (2) conflicts with the provisions of subsection b. of section 2 of
33 this act.

34 c. An institutional team contract shall not prevent a student-
35 athlete from using the athlete's name, image, or likeness for a
36 commercial purpose when the athlete is not engaged in official team
37 activities.

38 d. An institutional team contract shall allow the institution,
39 athletic association, conference, or other group or organization with
40 authority over intercollegiate athletics to use the athlete's name,
41 image, or likeness for advertising and marketing purposes without
42 additional compensation paid to the student-athlete.

43 e. An institution asserting a conflict pursuant to subsection b.
44 of this section shall disclose to the student-athlete and to the
45 student-athlete's professional representation the relevant contractual
46 provisions that are in conflict.

1 5. This act shall take effect immediately and shall first be
2 applicable in the fifth academic year following the date of
3 enactment.
4

5

6 STATEMENT

7

8 This bill allows certain collegiate student-athletes to earn
9 compensation for the use of their name, image, or likeness. Under
10 the bill, a four-year institution of higher education will be
11 prohibited from upholding any rule, requirement, standard, or other
12 limitation that prevents a student of that institution participating in
13 intercollegiate athletics from earning compensation as a result of
14 the use of the student's name, image, or likeness. Earning
15 compensation from the use of a student's name, image, or likeness
16 will not affect the student's institutional scholarship eligibility.

17 The bill specifies, however, that a student is prohibited from
18 earning compensation as a result of the use of the student's name,
19 image, or likeness in connection with any person, company, or
20 organization related to or associated with the development,
21 production, distribution, wholesaling, or retailing of: adult
22 entertainment products and services; alcohol products; casinos and
23 gambling, including sports betting, the lottery, and betting in
24 connection with video games, on-line games, and mobile devices;
25 tobacco and electronic smoking products and devices;
26 pharmaceuticals; controlled dangerous substances; and weapons,
27 including firearms and ammunition.

28 Under the bill, a four-year institution is prohibited from being a
29 member of any athletic association, conference, or other group or
30 organization with authority over intercollegiate athletics, including
31 but not limited to, the National Collegiate Athletic Association,
32 that:

- 33 • prohibits a student-athlete participating in intercollegiate
34 athletics from earning compensation as a result of the use
35 of the student's name, image, or likeness;
- 36 • prohibits an institution of higher education from
37 participating in intercollegiate athletics as a result of the
38 compensation of a student-athlete for the use of the
39 student's name, image, or likeness;
- 40 • provides a prospective student-athlete with compensation
41 in relation to the student-athlete's name, image, or
42 likeness; or
- 43 • prevents a New Jersey student participating in
44 intercollegiate athletics from obtaining professional
45 representation in relation to contracts or legal matters
46 including, but not limited to, representation provided by
47 athlete agents or legal representation provided by
48 attorneys.

A2106 SWAIN, TULLY

5

1 The bill provides that a student-athlete who enters into a contract
2 providing compensation to the student-athlete for use of his name,
3 image, or likeness must disclose the contract to an official of the
4 four-year institution of higher education, to be designated by the
5 institution. An institutional team contract may not prevent a
6 student-athlete from using the athlete's name, image, or likeness for
7 a commercial purpose when the athlete is not engaged in official
8 team activities.

ASSEMBLY HIGHER EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2106

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 2020

The Assembly Higher Education Committee reports favorably Assembly Bill No. 2106 with committee amendments.

As amended, this bill allows certain collegiate student-athletes to earn compensation for the use of their name, image, or likeness. Under the bill, a four-year institution of higher education will be prohibited from upholding any rule, requirement, standard, or other limitation that prevents a student of that institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness will not affect the student's institutional scholarship eligibility.

The bill specifies, however, that a student is prohibited from earning compensation as a result of the use of the student'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: adult entertainment products and services; alcohol products; casinos and gambling, including sports betting, the lottery, and betting in connection with video games, on-line games, and mobile devices; tobacco and electronic smoking products and devices; prescription pharmaceuticals; controlled dangerous substances; and weapons, including firearms and ammunition.

Under the bill, a four-year institution of higher education, an entity whose purpose includes supporting or benefitting the institution or its athletic programs, or any officer, director, or employee of the institution or entity, is prohibited from compensating or causing compensation to be directed to a current or prospective student-athlete participating in intercollegiate athletics for use of the student's name, image, or likeness.

The bill provides that a student-athlete who enters into a contract providing compensation to the student-athlete for use of his name, image, or likeness must disclose the contract to an official of the four-year institution of higher education, to be designated by the institution. An institutional team contract may not prevent a student-athlete from using the athlete's name, image, or likeness for

a commercial purpose when the athlete is not engaged in official team activities.

As amended and reported by the committee, this bill is identical to Senate Bill No. 971, which also was amended and reported by the committee on this same date.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to:

1. Specify that a student is prohibited from earning compensation as a result of the use of the student's name, image, or likeness in connection with prescription pharmaceuticals;
2. Remove language concerning athletic associations, conferences, or other groups or organizations with authority over intercollegiate athletics, including the National Collegiate Athletic Association; and
3. Add language prohibiting an entity whose purpose includes supporting or benefitting the institution or its athletic programs from compensating current or prospective student-athletes.

Governor Murphy Takes Action on Legislation

09/14/2020

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

S-349/A-1993 (Smith, Greenstein/Pinkin, Benson, Kennedy) – Requires developers to offer electric vehicle charging stations as option in certain new home construction

S-806/A-895 (Cunningham, Pou/Giblin, Timberlake, Jasey) – Provides that New Jersey Better Educational Savings Trust (NJBEST) Program scholarship may be awarded in any semester of attendance or enrollment at institution of higher education in State

S-960/A-3628 (Rice/Lopez) – Requires parent to provide completed financial aid application to Higher Education Student Assistance Authority if parent's dependent applies to State for student financial aid

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S-971/A-2106 (Lagana, Cunningham, Weinberg/Swain, Tully, Wimberly) – "New Jersey Fair Play Act"; allows collegiate student-athletes to earn compensation for use of name, image, or likeness

S-2380/A-3999 (Sweeney, Scutari, Singer, Greenstein/Giblin, Burzichelli, Murphy, Downey) – Concerns employment benefits and coronavirus disease 2019 infections contracted by essential employees

S-2573/A-4378 (Ruiz, Codey/Karabinchak, Jasey, Lampitt) – Establishes position of State School Nurse Consultant in DOE to facilitate best practices in school nursing by advancing comprehensive school health services

SJR-79/AJR-167 (Greenstein, Gill/Vainieri Huttel, Tucker, Murphy) – Creates commission to study sexual assault, misconduct, and harassment by staff against inmates in State correctional facilities

A-2669/S-1198 (Mukherji/Pou, Oroho) – Concerning motor vehicle ancillary production products and service contracts

Governor Murphy absolute vetoed the following bill:

A-3965/S-2463 (Moen, Murphy, Mukherji/Greenstein, Cruz-Perez) – ABSOLUTE – Expands existing EDA loan program to include certain small producers and retailers of alcoholic beverages

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