

## 1 SENATE BILL NO. 248

2 INTRODUCED BY E. BOLDMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING STUDENT-ATHLETE RIGHTS AND  
5 PROTECTIONS; ENSURING THAT A STUDENT-ATHLETE CAN EARN COMPENSATION FOR THE USE OF  
6 THE STUDENT-ATHLETE'S NAME, IMAGE, OR LIKENESS; AND PROVIDING A DELAYED EFFECTIVE  
7 DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Student-athlete rights and protections.** (1) As used in this section:

12 (a) "Postsecondary institution" means a 2-year or 4-year public or private college or university located  
13 in the state.

14 (b) (i) "Student-athlete rights" means the rights of a student-athlete enrolled in a postsecondary  
15 institution to earn compensation for the use of the student-athlete's name, image, or likeness and to contract  
16 with and retain professional representation of an athlete agent.

17 (ii) The term does not include a right to receive compensation from a postsecondary institution.

18 (2) Except as provided in this section, a postsecondary institution or an athletic association,  
19 conference, or organization with authority over intercollegiate sports may not:

20 (a) prohibit, prevent, or restrict a student-athlete from exercising the student-athlete's rights;

21 (b) penalize or retaliate against a student-athlete for exercising the student-athlete's rights;

22 (c) prohibit a student-athlete from participating in an intercollegiate sport for exercising the student-  
23 athlete's rights; or

24 (d) impose an eligibility requirement on a scholarship or grant that requires a student-athlete to refrain  
25 from exercising the student-athlete's rights.

26 (3) (a) A student-athlete may not enter into a contract that provides compensation to the student-  
27 athlete for the use of the student-athlete's name, image, or likeness if terms of the contract conflict with the  
28 student-athlete's team rules or with terms of a contract entered into between the student-athlete's

1 postsecondary institution and a third party, except the team rules or a contract entered into between the  
2 postsecondary institution and a third party may not prevent a student-athlete from earning compensation for the  
3 use of the student-athlete's name, image, or likeness when not engaged in official team activities.

4 (b) A student-athlete who enters into a contract that provides compensation to the student-athlete for  
5 the use of the student-athlete's name, image, or likeness shall disclose the contract to an official of the  
6 postsecondary institution if the student-athlete is a team member or, if the student-athlete is not a team  
7 member, at the time the student-athlete seeks to become a team member.

8 (c) If a postsecondary institution asserts that the terms of the contract conflict with the team rules or  
9 with terms of a contract entered into between the student-athlete's postsecondary institution and a third party,  
10 the unit shall disclose the specific rules or terms asserted to be in conflict to the student-athlete or to the  
11 student-athlete's professional representative or athlete agent if the student-athlete is represented.

12 (4) A postsecondary institution or an athletic association, conference, or organization with authority  
13 over intercollegiate sports may not provide to a prospective or current student-athlete compensation for use of  
14 the student-athlete's name, image, or likeness.

15 (5) Nothing in this section prohibits a postsecondary institution from establishing or enforcing a  
16 conduct code that is applicable to all students enrolled at the unit.

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18 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
19 integral part of Title 20, chapter 1, part 2, and the provisions of Title 20, chapter 1, part 2, apply to [section 1].

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21 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2023.

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