AN ACT ESTABLISHING STUDENT-ATHLETE RIGHTS AND PROTECTIONS; ENSURING THAT A STUDENT-ATHLETE CAN EARN COMPensation FOR THE USE OF THE STUDENT-ATHLETE’S NAME, IMAGE, OR LIKENESS; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

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

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

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

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

(2) Except as provided subsections (3) through (6), a postsecondary institution or an athletic association, conference, or organization with authority over intercollegiate sports may not:

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

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

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

(d) subject to subsection (5)(a), impose an eligibility requirement on a scholarship or grant that requires a student-athlete to refrain from exercising the student-athlete's rights.

(3) (a) A student-athlete may not enter into a contract that provides compensation to the student-athlete for the use of the student-athlete’s name, image, or likeness if terms of the contract conflict with the student-athlete’s team rules or with terms of a contract entered into between the student-athlete’s
postsecondary institution and a third party, except the team rules or a contract entered into between the
postsecondary institution and a third party may not prevent a student-athlete from earning compensation for the
use of the student-athlete’s name, image, or likeness when not engaged in official team activities.

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

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

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

(5) A postsecondary school may:

(a) include provisions in scholarship agreements allowing the postsecondary school to use the
athlete’s name, image, and likeness;

(b) prohibit the use of an athlete’s name, image, and likeness on school property, at school functions,
or in any advertising material distributed or placed on school property;

(c) serve as an agent for the athlete to manage any contract using an athlete's name, image, and
likeness; or

(d) do any combination of subsections (5)(a) through (5)(c).

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

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title
20, chapter 1, part 2, and the provisions of Title 20, chapter 1, part 2, apply to [section 1].
Section 3. Effective date. [This act] is effective June 1, 2023.

- END -
I hereby certify that the within bill, SB 248, originated in the Senate.

___________________________________________
Secretary of the Senate

___________________________________________
President of the Senate

Signed this _______________________________day
of _________________________________, 2021.

___________________________________________
Speaker of the House

Signed this _______________________________day
of _________________________________, 2021.
SENATE BILL NO. 248


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