

House Bill 383

By: Representatives Cox of the 28<sup>th</sup>, Rhodes of the 124<sup>th</sup>, Cannon of the 172<sup>nd</sup>, McClain of the 109<sup>th</sup>, and Erwin of the 32<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 20 and 39 of the Official Code of Georgia Annotated, relating to education  
2 and minors, respectively, so as to provide for high school student athletes and prospective  
3 student athletes to receive name, image, or likeness compensation; to provide for the  
4 automatic expiration of contracts that provide name, image, and likeness compensation to  
5 student athletes after the student athlete graduates or is no longer enrolled; to provide for  
6 application to certain athletic associations; to allow for professional representation of student  
7 athletes and prospective student athletes; to provide for required written notice to high school  
8 student athletes; to provide for definitions; to provide for construction; to provide a short  
9 title; to provide for related matters; to provide for an effective date and applicability; to  
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Georgia High School NIL Protection Act."

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38 (8) 'Student athlete' means a student enrolled in a participating school who participates  
39 in or is eligible to participate in any interscholastic athletic activity which is conducted  
40 under the authority or rules of an athletic association. Such term shall include home  
41 study students who participate in such interscholastic athletic activities as provided in  
42 Code Section 20-2-319.6.

43 20-2-2105.1.

44 Nothing in this article shall be construed to abrogate, impair, or limit the authority of the  
45 courts of this state or any department or agency of this state to enforce any provision of  
46 federal or state law.

47 20-2-2105.2.

48 For purposes of this article, a scholarship from the participating school in which a student  
49 athlete is enrolled that provides such student athlete with all or part of the cost of  
50 enrollment and attendance at such participating school is not NIL compensation.

51 20-2-2105.3.

52 (a) Subject to the provisions of Code Sections 39-2-18 through 39-2-21, and except as  
53 prohibited in this article, a student athlete shall be permitted to receive NIL compensation.

54 (b) No current or prospective student athlete shall be provided or shall receive NIL  
55 compensation in exchange, in whole or in part, for attending, participating, or performing  
56 at a particular participating school or a postsecondary educational institution as such term  
57 is defined in Code Section 20-3-680.

58 (c) No participating school or entity whose purpose includes supporting or benefiting such  
59 participating school or its interscholastic athletic activities or related programs or any  
60 officer, director, employee, or agent of such participating school or entity shall provide a  
61 current or prospective student athlete with NIL compensation.

62 (d) No student athlete who receives NIL compensation pursuant to this article shall:

63 (1) Wear a school based team jersey or otherwise display a school's name, mascot, logo,  
64 or any other school identifying marks when engaging in any conduct or activity in  
65 exchange for receiving NIL compensation;

66 (2) Make any reference to a participating school or an athletic association when engaging  
67 in any conduct or activity in exchange for receiving NIL compensation; or

68 (3)(A) Except as provided in subparagraph (B) of this paragraph, endorse or promote  
69 any good or service of any party that provides NIL compensation to such student athlete  
70 or of any third-party partner of a party that provides NIL compensation to such student  
71 athlete during any interscholastic athletic activity, including, but not limited to:

72 (i) Wearing apparel of such party or third-party partner;

73 (ii) Displaying a logo or brand of such party or third-party partner; and

74 (iii) Displaying an insignia or identifying mark of such party or third-party partner.

75 (B) The prohibitions provided for in subparagraph (A) of this paragraph shall not apply  
76 to tryouts, practices, or training sessions.

77 (e) No student athlete shall receive NIL compensation for any conduct or activity that  
78 reasonably can be perceived as endorsing or promoting:

79 (1) Alcohol products;

80 (2) Tobacco products, including, but not limited to, smokeless tobacco products;

81 (3) Vapor products;

82 (4) Cannabis products;

83 (5) Controlled substances;

84 (6) Prescription pharmaceuticals;

85 (7) Casinos and gambling, including sports betting, the lottery, and betting in connection  
86 with video games, online games, and mobile devices;

87 (8) Adult entertainment or pornographic products and services;

- 88 (9) Any product or service, including, but not limited to, online services and products,  
89 that are restricted for people under the age of 18 years; or  
90 (10) Weapons, firearms, and ammunition.

91 20-2-2105.4.

92 Each participating school in this state shall advise each student athlete in writing at the  
93 beginning of the season of each interscholastic athletic activity of the provisions of this  
94 article, Article 13 of Chapter 3 of this title, and Code Sections 39-2-18 through 39-2-21 and  
95 shall provide each student athlete with information concerning the effect of receiving  
96 money or other things of value on the student athlete's future eligibility to participate in  
97 intercollegiate athletics.

98 20-2-2105.5.

99 The provisions of this article shall not apply to intramural athletic programs or events at  
100 such participating schools.

101 20-2-2105.6.

102 (a) No contract that provides for NIL compensation to a student athlete shall survive after  
103 the earlier of:

104 (1) Ten calendar days after the date upon which such student athlete graduates from a  
105 participating school; or

106 (2) Thirty calendar days after the date upon which such student athlete's enrollment in  
107 a participating school terminates for any reason provided for by Georgia law; the policies,  
108 rules, or regulations of the State Board of Education; or the policies, rules, or regulations  
109 of a nonpublic participating school, including, but not limited to, withdrawal,  
110 nonattendance, dropping out, nonresidency in the participating school's attendance zone,

111 nonresidency in this state, enrollment in a school that is not a participating school, and  
112 expulsion.

113 (b) No contract that provides for NIL compensation to a student athlete shall include any  
114 provision that does not comply with the provisions of subsection (a) of this Code section,  
115 and any such provision shall be void and unenforceable.

116 20-2-2105.7.

117 (a) No athletic association shall prevent a student athlete from or penalize a student athlete  
118 for receiving NIL compensation as provided for in this article.

119 (b) No athletic association shall prevent a participating school from participating in  
120 interscholastic athletic activities, or otherwise penalize a participating school as a result of  
121 a student athlete of such participating school receiving NIL compensation as provided for  
122 in this article.

123 (c) No public school which receives funding under Article 6 of this chapter shall  
124 participate in, sponsor, or provide coaching staff for interscholastic athletic activities which  
125 are conducted under the authority of, conducted under the rules of, or scheduled by any  
126 athletic association unless the charter, bylaws, or other governing documents of such  
127 athletic association comply with this article.

128 20-2-2105.8.

129 (a) No participating school or athletic association shall prevent a student athlete from  
130 obtaining professional representation in relation to contracts or legal matters, including, but  
131 not limited to, representation provided by athlete agents who are certified as provided for  
132 under Chapter 4A of Title 43 and legal representation provided by attorneys who are  
133 licensed to practice law in this state.

134 (b) Athlete agents representing student athletes shall comply with the federal Sports Agent  
 135 Responsibility and Trust Act, established in 15 U.S.C. Section 7801, et seq., in their  
 136 relationships with student athletes."

137 **SECTION 3.**

138 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended in Chapter  
 139 2, relating to regulation of employment of minors, by revising Code Section 39-2-18, relating  
 140 to applicability of provisions of chapter to minors employed as actors or performers, as  
 141 follows:

142 "39-2-18.

143 (a) Notwithstanding any other provisions of this chapter to the contrary, and provided that  
 144 the written consent of the Commissioner of Labor must be first obtained, nothing in this  
 145 chapter shall apply to any minor employed or compensated:

146 (1) As as an actor or performer in motion pictures or theatrical productions, in radio or  
 147 television productions, or in any other performance, concert, or entertainment; ~~or to any~~  
 148 ~~minor employed in~~

149 (2) For the making of phonographic records; ~~or as~~

150 (3) As an advertising or photographic model; or

151 (4) For the use of such minor's name, image, or likeness ~~provided that the written consent~~  
 152 ~~of the Commissioner of Labor must be first obtained,~~

153 (b) Before the Commissioner of Labor shall give his or her written consent, as provided  
 154 in subsection (a) of this Code section, he or she shall investigate and determine that:

155 (1) The ~~That~~ the environment in which the work is to be performed is proper for the  
 156 minor;

157 (2) The terms and ~~That~~ the conditions of employment or compensation are not  
 158 detrimental to the health of the minor;

159 (3) ~~The That~~ the minor's education will not be neglected or hampered by his or her  
160 participation in any of the activities referred to in subsection (a) of this Code section; and  
161 (4) ~~Neither That~~ the minor nor his or her name, image, or likeness will ~~not~~ be used for  
162 pornographic purposes or for any purpose prohibited by subsection (e) of Code  
163 Section 20-2-2105.3."

164 **SECTION 4.**

165 This Act shall become effective upon its approval by the Governor or upon its becoming law  
166 without such approval and shall apply to all contracts entered into or renewed on or after  
167 such date.

168 **SECTION 5.**

169 All laws and parts of laws in conflict with this Act are repealed.