

House Bill 383 (COMMITTEE SUBSTITUTE)

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

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) 'Postsecondary educational institution' shall have the same meaning as "eligible
39 postsecondary institution" as set forth in Code Section 20-3-519.

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

46 20-2-2105.1.

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

50 20-2-2105.2.

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

54 20-2-2105.3.

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

57 (b) No current or prospective student athlete shall be provided or shall receive NIL
58 compensation in exchange, in whole or in part, for attending, participating, or performing
59 at a particular participating school or a postsecondary educational institution.

60 (c) No participating school or entity whose purpose includes supporting or benefiting such
61 participating school or its interscholastic athletic activities or related programs or any

62 officer, director, employee, or agent of such participating school or entity shall provide a
63 current or prospective student athlete with NIL compensation.

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

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

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

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

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

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

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

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

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

81 (1) Alcohol products;

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

83 (3) Vapor products;

84 (4) Cannabis products;

85 (5) Controlled substances;

86 (6) Prescription pharmaceuticals;

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

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

93 20-2-2105.4.

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

100 20-2-2105.5.

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

103 20-2-2105.6.

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

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

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

113 nonresidency in this state, enrollment in a school that is not a participating school, and
114 expulsion.

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

118 20-2-2105.7.

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

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

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

130 20-2-2105.8.

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

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

139 **SECTION 3.**

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

144 "39-2-18.

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

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

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

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

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

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

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

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

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

166 **SECTION 4.**

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

170 **SECTION 5.**

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