AN ACT

RELATING TO ATHLETICS; ENACTING THE STUDENT ATHLETE ENDORSEMENT ACT; PROHIBITING IMPOSITION OF LIMITATIONS AGAINST STUDENT ATHLETES AND CERTAIN OTHER INDIVIDUALS EARNING COMPENSATION FROM THE USE OF THEIR NAME, IMAGE OR LIKENESS; ALLOWING FOR THE PROFESSIONAL REPRESENTATION OF A STUDENT ATHLETE BY AN AGENT FOR MATTERS ARISING FROM THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.—This act may be cited as the "Student Athlete Endorsement Act".

SECTION 2. DEFINITIONS.—As used in the Student Athlete Endorsement Act:

A. "post-secondary educational institution" means an academic, vocational, technical, business, professional or other school, college or university or other organization or person offering or purporting to offer courses, instruction, training or education from a physical site in New Mexico, through distance education, correspondence or in person;

B. "student athlete" means an individual who engages in an intercollegiate sport; and

C. "third party" means an individual or entity other than a post-secondary educational institution, athletic association or athletic conference.
SECTION 3. STUDENT ATHLETE COMPENSATION.--

A. A post-secondary educational institution shall not:

(1) uphold any rule, requirement, standard or other limitation that prevents a student athlete of that institution from fully participating in athletics without penalty:

(a) for receiving food, shelter, medical expenses or insurance from a third party; or

(b) for earning compensation from a third party as a result of the use of the student athlete's name, image, likeness or athletic reputation;

(2) prohibit or discourage a student athlete from wearing footwear of the student athlete's choice during official, mandatory team activities so long as the footwear does not have reflective fabric or lights or pose a health risk to a student athlete;

(3) prevent a student athlete from receiving third-party compensation for using the student athlete's name, image, likeness or athletic reputation when the student athlete is not engaged in official, mandatory team activities; or

(4) arrange third-party compensation for the use of a student athlete's name, image, likeness or athletic reputation or use such deals as inducements to recruit
prospective student athletes.

B. Earning compensation from the use of a student athlete's name, image, likeness or athletic reputation shall not affect a student athlete's grant-in-aid or stipend eligibility, amount, duration or renewal. For the purposes of this section, a grant-in-aid or stipend shall not be revoked or reduced as a result of a student athlete earning compensation pursuant to this section.

C. A third party shall not offer a student athlete a contract to provide compensation to the student athlete for use of the student athlete's name, image, likeness or athletic reputation that requires a student athlete to advertise for the sponsor in person during official, mandatory team activities without the approval of the student athlete's post-secondary educational institution.

SECTION 4. PROFESSIONAL REPRESENTATION.--A post-secondary educational institution shall not interfere with or prevent a student athlete from fully participating in athletics for obtaining representation unaffiliated with a post-secondary educational institution or its partners in relation to contracts or legal matters. An entity or individual that represents a post-secondary educational institution or has represented that post-secondary educational institution in the previous four years shall not represent a student athlete who is attending that
post-secondary educational institution in any business agreement.

SECTION 5. APPLICABILITY.--The provisions of this act apply to contracts entered into on and after July 1, 2021.