

SENATE BILL 219

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Mark Moores and Antonio Maestas and Brian G. Baca

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO ATHLETICS; REMOVING THE PROHIBITION ON POST-SECONDARY EDUCATIONAL INSTITUTIONS ARRANGING COMPENSATION FOR THE USE OF A STUDENT ATHLETE'S NAME, IMAGE, LIKENESS OR ATHLETIC REPUTATION; ALLOWING ENTITIES AND INDIVIDUALS WHO REPRESENTED A POST-SECONDARY EDUCATIONAL INSTITUTION IN THE PAST FOUR YEARS TO REPRESENT A STUDENT ATHLETE WHO IS ATTENDING THAT POST-SECONDARY EDUCATIONAL INSTITUTION.

.223232.3AIC February 6, 2023 (1:47pm)

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

SECTION 1. Section 21-31-3 NMSA 1978 (being Laws 2021, Chapter 124, Section 3) is amended to read:

"21-31-3. 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; SEC→or←SEC

~~SEC→(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; or←SEC~~

SEC→(3)←SEC SEC→(2)←SEC 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~~

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~~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 2.** Section 21-31-4 NMSA 1978 (being Laws 2021, Chapter 124, Section 4) is amended to read:

"21-31-4. 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~~

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~~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.]"~~

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