A-Engrossed
House Bill 3694

Ordered by the House April 4
Including House Amendments dated April 4

Sponsored by Representative LIVELY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act updates the law related to pay for student athletes. (Flesch Readability Score: 74.8).

Modifies provisions of law related to compensation for student athletes enrolled in a post-secondary institution of education.

A BILL FOR AN ACT

Relating to student athletes; amending ORS 702.200.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 702.200, as amended by section 1, chapter 15, Oregon Laws 2024, is amended to read:

702.200. (1) As used in this section:

(a) "Athletic association, conference or organization with authority over intercollegiate sports" includes the National Collegiate Athletic Association.

[*(b) "Post-secondary institution of education" means:*]

[*(A) A public university listed in ORS 352.002.*]

[*(B) An Oregon-based, generally accredited, private institution of higher education.*]

[*(c)(A)*] **(b)(A)** "[*Student's*] **Economic** rights" means the rights of a student **athlete** enrolled in a post-secondary institution of education to earn compensation for use of the [*student's*] **student athlete's** name, image, likeness or athletic reputation and to contract with and retain professional representation or an athlete agent.

(B) "[*Student's*] **Economic** rights" does not include a right to receive compensation from a post-secondary institution of education.

(c) "Post-secondary institution of education" means:

(A) A public university listed in ORS 352.002.

(B) An Oregon-based, generally accredited, private institution of higher education.

(2) A post-secondary institution of education may compensate a student athlete or prospective student athlete for use of the student athlete's or prospective student athlete's name, image, likeness or athletic reputation.

[*(2)(a)*] **(3)(a)** Except as provided in this section, a post-secondary institution of education 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's*] **economic** rights.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(B) Penalize or retaliate against a student athlete for exercising [*the student's*] **economic** rights.

(C) Prohibit a student athlete from participating in an intercollegiate sport for exercising [*the student's*] **economic** rights.

(D) Impose an eligibility requirement on a scholarship or grant that requires a student athlete to refrain from exercising [*the student's*] **economic** rights.

(E) Prohibit a student athlete from receiving food, drink, lodging or medical expenses or insurance coverage from a third party as compensation for use of the [*student's*] **student athlete's** name, image, likeness or athletic reputation.

(b) Except as provided in this section, an athletic association, conference or organization with authority over intercollegiate sports may not:

(A) Prevent a post-secondary institution of education or a student athlete from participating in intercollegiate sports, accept a complaint, open an investigation or take any other adverse action against a post-secondary institution of education or a student athlete as a result of a violation, or an alleged violation, of the rules or regulations of the athletic association, conference or organization related to a student athlete exercising [*the student's*] **economic** rights.

(B) Authorize, cause or allow any post-secondary institution of education that is a member of the association, conference or organization to take an action prohibited under paragraph (a) of this subsection.

[*(3)(a)*] **(4)(a)** A student athlete may not enter into a contract that provides compensation to the student athlete for use of the student athlete's name, image, likeness or athletic reputation 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 post-secondary institution of education and a third party, except neither the team rules nor a contract entered into between the post-secondary institution of education and a third party may prevent a student athlete from earning compensation for use of the student athlete's name, image, likeness or athletic reputation when not engaged in official team activities, including participating in or being part of an advertisement that was created while not engaged in official team activities but that may otherwise be broadcasted, displayed or disseminated at any time.

(b) A student athlete who enters into a contract that provides compensation to the student athlete for use of the student athlete's name, image, likeness or athletic reputation shall disclose the contract **for the sole purpose of demonstrating compliance with paragraph (a) of this subsection** to an official of the post-secondary institution of education designated by the 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 the post-secondary institution of education 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 post-secondary institution of education and a third party, the institution 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.

(d) Any contract, proposed contract or related documentation in the possession of a post-secondary institution of education that relates to a student athlete's exercise of economic rights is confidential and exempt from public disclosure under ORS 192.311 to 192.478.

[*(4) A post-secondary institution of education 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, likeness or athletic reputation.*]

[*(5) A student athlete may not contract with or retain a person as the student athlete's athlete agent, if the person represented or was employed by a post-secondary institution of education at any time in the preceding four years.*]

[*(6)*] **(5)** Nothing in this section prohibits a post-secondary institution of education from establishing or enforcing a conduct code that is applicable to all students enrolled at the institution.

(6) A student athlete participating in an intercollegiate athletic program at a post-secondary institution of education may not exercise economic rights to promote:

(a) Products, companies or brands related to alcohol, cannabis, controlled substances, tobacco, nicotine, inhalant delivery systems, anabolic steroids, gambling, including sports betting, firearms or other forms of adult entertainment that are characterized by obscene sexual activity, illegal discrimination, hate speech or violence; or

(b) Any other subject that a post-secondary institution communicates is prohibited to a student athlete before the student athlete enrolls at the post-secondary institution.

(7)(a) A student athlete's compensation for use of the [*student's*] **student athlete's** name, image, likeness or athletic reputation may not be conditioned on the athletic performance of the student athlete.

(b) A person or entity that provides compensation to a student athlete for the use of the student athlete's name, image, likeness or athletic reputation may condition payment of the compensation on a student athlete's attendance at a particular post-secondary institution of education.

(8) An athletic association, conference or organization with authority over intercollegiate sports may not prohibit a post-secondary institution of education from identifying, facilitating, enabling or supporting opportunities for a current student athlete to exercise the student athlete's [*student's*] **economic** rights at the student athlete's post-secondary institution of education.

(9) A post-secondary institution of education, or an employee of a post-secondary institution of education, may not be held liable for any damages to a student athlete's ability to exercise the student athlete's [*student's*] **economic** rights due to any decision or action made by the post-secondary institution of education or employee:

(a) That is routinely taken in the course of intercollegiate sports; or

(b) That is part of identifying, facilitating, enabling or supporting opportunities for the current student athlete to exercise the student athlete's [*student's*] **economic** rights at the student athlete's post-secondary institution of education.