

By: West

S.B. No. 971

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the compensation and professional representation of  
3 certain students participating in University Interscholastic  
4 League activities or in intercollegiate athletic programs at  
5 certain institutions of higher education.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter D, Chapter 33, Education Code, is  
8 amended by adding Section 33.098 to read as follows:

9 Sec. 33.098. COMPENSATION AND PROFESSIONAL REPRESENTATION  
10 OF STUDENTS PARTICIPATING IN UNIVERSITY INTERSCHOLASTIC LEAGUE  
11 ACTIVITIES. (a) In this section, "league" means the University  
12 Interscholastic League.

13 (b) This section applies only to a public or private primary  
14 or secondary school that participates in league activities.

15 (c) The league or a school to which this section applies may  
16 not adopt or enforce a policy, requirement, standard, or limitation  
17 that prohibits or otherwise prevents an eligible student  
18 participating in a league activity from:

19 (1) earning compensation for the use of the student's  
20 name, image, or likeness when the student is not engaged in official  
21 league activities, as that term is defined by the league; or

22 (2) obtaining professional representation, including  
23 representation by an attorney licensed to practice law in this  
24 state, for contracts or other legal matters relating to the use of

1 the student's name, image, or likeness.

2 (d) A student is eligible to engage in activities described  
3 by Subsection (c) only if the student:

4 (1) is 18 years of age or older;

5 (2) meets the grade requirements under Section  
6 33.081(c); and

7 (3) complies with the rules adopted by the league  
8 under this section.

9 (e) The league shall adopt rules as necessary to administer  
10 this section. The rules must include:

11 (1) provisions to ensure that compensation, or the  
12 promise of compensation, may not be used to facilitate the  
13 enrollment in or transfer of a student to a school participating in  
14 a league activity;

15 (2) provisions prohibiting compensation in exchange  
16 for an endorsement of alcohol, tobacco products, e-cigarettes or  
17 any other type of nicotine delivery device, anabolic steroids,  
18 sports betting, casino gambling, a firearm the student cannot  
19 legally purchase, or a sexually oriented business as defined in  
20 Section 243.002, Local Government Code;

21 (3) provisions authorizing a school district, school,  
22 or team to prohibit compensation that conflicts with the policy or  
23 honor code of the school district, school, or team; and

24 (4) minimum requirements for a student engaging in  
25 activities described by Subsection (c) to receive financial  
26 literacy and life skills education.

27 SECTION 2. Section 51.9246(j), Education Code, is amended

1 to read as follows:

2 (j) No individual, corporate entity, or other organization  
3 may:

4 (1) enter into any arrangement with a prospective  
5 student athlete or student athlete relating to the [~~prospective~~  
6 student athlete's name, image, or likeness unless the student  
7 athlete is 18 years of age or older [~~prior to their enrollment in an~~  
8 ~~institution of higher education~~]; or

9 (2) use inducements of future name, image, and  
10 likeness compensation arrangement to recruit a prospective student  
11 athlete to any institution of higher education.

12 SECTION 3. The changes in law made by this Act apply only to  
13 a contract entered into, modified, or renewed on or after the  
14 effective date of this Act.

15 SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2023.