

By: Dominguez

H.B. No. 1710

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the compensation and professional representation of  
3 student athletes participating in intercollegiate athletic  
4 programs at certain public and private institutions of higher  
5 education.

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

7 SECTION 1. Subchapter 2, Chapter 51, Education Code, is  
8 amended by adding Section 51.9246 to read as follows:

9 Sec. 51.9246. COMPENSATION AND PROFESSIONAL REPRESENTATION  
10 OF STUDENT ATHLETES PARTICIPATING IN INTERCOLLEGIATE ATHLETIC  
11 PROGRAMS. (a) In this section:

12 (1) "Athlete agent" has the meaning assigned by  
13 Section 2051.001, Occupations Code.

14 (2) "General academic teaching institution" and  
15 "private or independent institution of higher education" have the  
16 meanings assigned by Section 61.003.

17 (b) This section applies only to:

18 (1) a general academic teaching institution; or  
19 (2) a private or independent institution of higher  
20 education.

21 (c) An institution to which this section applies may not:

22 (1) adopt or enforce a policy, requirement, standard,  
23 or limitation that prohibits or otherwise prevents a student  
24 athlete participating in an intercollegiate athletic program at the

1 institution from:

2 (A) earning compensation for the use of the  
3 student athlete's name, image, or likeness when the student athlete  
4 is not engaged in official team activities; or

5 (B) obtaining professional representation,  
6 including representation by an athlete agent or attorney, in  
7 relation to contracts or other legal matters; or

8 (2) provide a prospective student athlete of an  
9 intercollegiate athletic program at the institution with  
10 compensation in relation to the prospective student athlete's name,  
11 image, or likeness.

12 (d) A scholarship, grant, or similar financial assistance  
13 awarded to a student athlete by an institution to which this section  
14 applies that covers the student athlete's cost of attendance at the  
15 institution is not compensation for purposes of this section.

16 (e) A student athlete participating in an intercollegiate  
17 athletic program at an institution to which this section applies  
18 may not be disqualified from eligibility for a scholarship, grant,  
19 or similar financial assistance awarded by the institution because  
20 the student athlete:

21 (1) earns compensation from the use of the student  
22 athlete's name, image, or likeness when the student athlete is not  
23 engaged in official team activities; or

24 (2) obtains professional representation, including  
25 representation by an athlete agent or attorney, in relation to  
26 contracts or other legal matters.

27 (f) A team contract of an athletic program at an institution

1 to which this section applies may not prohibit or otherwise prevent  
2 a student athlete from using the student athlete's name, image, or  
3 likeness for a commercial purpose when the student athlete is not  
4 engaged in official team activities.

5 (g) A student athlete participating in an intercollegiate  
6 athletic program at an institution to which this section applies:

7 (1) shall promptly disclose to the institution, in the  
8 manner prescribed by the institution, any contract entered into by  
9 the student athlete for use of the student athlete's name, image, or  
10 likeness;

11 (2) may not enter into a contract that provides  
12 compensation for the use of the student athlete's name, image, or  
13 likeness if any provision of the contract conflicts with a  
14 provision of the student athlete's team contract; and

15 (3) may not enter into a contract for the student  
16 athlete's representation by an athlete agent unless the athlete  
17 agent holds a certificate of registration under Chapter 2051,  
18 Occupations Code.

19 (h) An institution to which this section applies that  
20 identifies a provision in a contract disclosed to the institution  
21 by a student athlete under Subsection (g)(1) that conflicts with a  
22 provision in the student athlete's team contract shall promptly  
23 disclose the conflict to the student athlete or the student  
24 athlete's representative, if applicable.

25 (i) An athletic association, conference, or other group or  
26 organization with authority over intercollegiate athletics,  
27 including the National Collegiate Athletic Association, may not:

1           (1) prohibit or prevent a student athlete from  
2 participating in an intercollegiate athletic program at an  
3 institution to which this section applies because the student  
4 athlete:

5           (A) earns compensation from the use of the  
6 student athlete's name, image, or likeness; or

7           (B) obtains professional representation,  
8 including representation by an athlete agent or attorney, in  
9 relation to contracts or other legal matters;

10          (2) prohibit or prevent a student athlete  
11 participating in an intercollegiate athletic program at an  
12 institution to which this section applies from engaging in conduct  
13 described by Subdivision (1)(A) or (B); or

14          (3) provide a prospective student athlete of an  
15 intercollegiate athletic program at an institution to which this  
16 section applies with compensation in relation to the prospective  
17 student athlete's name, image, or likeness.

18          SECTION 2. Section 51.9246(f), Education Code, as added by  
19 this Act, applies only to a contract entered into, modified, or  
20 renewed on or after the effective date of this Act.

21          SECTION 3. This Act takes effect January 1, 2023.