By:  West S.B. No. 971

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(2)  obtaining professional representation, including representation by an attorney licensed to practice law in this state, for contracts or other legal matters relating to the use of the student's name, image, or likeness.

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

(1)  is 18 years of age or older;

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

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

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

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

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

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

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

SECTION 2.  Section 51.9246(j), Education Code, is amended to read as follows:

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

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

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

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

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