

# SB-28

An act to protect the ability of collegiate student-athletes participating in intercollegiate sports to profit off of their name, image, and likeness from interference and restrictions by collegiate academic institutions and athletic associations.

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## IN THE SENATE OF THE AMERICAN LEGION BOYS NATION

Mr. Donahue of Rhode Island introduced the following bill;

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## A BILL

An act to protect the ability of collegiate student-athletes participating in intercollegiate sports to profit off of their name, image, and likeness from interference and restrictions by collegiate academic institutions and athletic associations.

*Be it enacted by The American Legion Boys Nation Senate assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Protecting Our Student-Athletes Act, or the "POSA Act".

### **SECTION 2: Definitions**

Collegiate student-athletes - Attendees of a collegiate academic institution who participate in intercollegiate sports; henceforth, "athletes".

Intercollegiate sports - Sports played at the collegiate level governed by an athletic association; does not include club, intramural, or recreational sports; henceforth, "sports".

Name, image, and likeness - Anything which readily identifies the athlete; henceforth, "NIL".

Collegiate academic institutions - An institution of higher education; henceforth, "colleges".

Athletic associations - Governing bodies of intercollegiate sports, especially the NCAA and its conferences; henceforth, "associations".

Group licenses - NIL activities involving multiple athletes.

Athletic scholarship - A scholarship to attend a college based on an athlete's ability in a sport.

NIL agent - An agent who facilitates NIL deals.

Inducement - In a coercive manner.

Official team activities - Activities at the direction of a college's athletic staff.

### **SECTION 3: Limitations on Colleges and Associations**

This act only applies to colleges and athletes participating in sports.

This act does not apply to Military Service Academies.

Colleges and associations may not, under the basis of an athlete's NIL agreement(s), restrict the following without sufficient cause as outlined in Section 5:

The eligibility or participation of an athlete in a sport.

The athlete from engaging in NIL agreements, receiving NIL compensation, or hiring an NIL agent.

The athlete from creating or joining group licenses.

The eligibility, duration, amount, or renewal of an athlete's athletic scholarship.

Colleges and associations may not:

Provide compensation to an athlete for NIL activity.

Assist, facilitate, develop, operate, or promote NIL activity.

Assist with selecting, arranging, or providing payment to an NIL agent.

Assist with arranging or receiving payment for NIL activity.

Transfer or license to the athlete the right to use intellectual property of the college or association for the purpose of NIL activity.

Use, license, or otherwise convey an athlete's NIL for any commercial purpose.

Use promises of NIL earnings as a means of recruitment.

#### **SECTION 4: Limitations on Athletes**

An athlete must not engage in NIL activities which:

Includes a college or association's name, trademark, logo, uniform, or other identifier.

Constitute an inducement.

Are for considerations other than the athlete's NIL.

Include compensation for athletic performance, participation, or service.

Are tied in any way, shape, or form to the athlete's connection to a specific college.

Occur concurrently to official team activities.

#### **SECTION 5: Enforcement**

Athletes are required to report the following information to their respective college and association:

Any and all NIL deals and their full wording.

Compensation for all NIL deals.

All parties involved in the facilitation and implementation of NIL deals.

The time frame over which all NIL deals were negotiated.

If it is found by a college or association, through whatever lawful means deemed necessary, that an athlete violated any of the above restrictions, that athlete will be punished at the discretion of the college and/or association with the following guidelines:

Colleges and associations maintain the right to restrict, revoke, and alter the athletic eligibility, scholarship status, and future NIL engagement of athletes found to be in violation of the above guidelines.

Colleges and associations may not levy a fine upon an athlete in violation of NIL guidelines greater than the monetary value of the NIL deal for which the athlete was found to be in violation.

Colleges are required to report the details of their athletes' NIL activities (outlined above) to their respective association.

If a college is found, through whatever lawful means deemed necessary, to be in violation of any of the above rules, the college may be punished at the discretion of their association.

This act takes effect immediately.