
A BILL FOR AN ACT

RELATING TO INTERCOLLEGIATE ATHLETICS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 **STUDENT ATHLETE BILL OF RIGHTS**

6 § -1 **Definitions.** As used in this chapter, unless the
7 context indicates otherwise:

8 "Postsecondary educational institution" means any campus of
9 the university of Hawaii system as defined in section 305J-2 or
10 a private college or university as defined in section 305J-2.

11 § -2 **Postsecondary educational institutions; student**
12 **compensation; scholarship eligibility.** No postsecondary
13 educational institution shall uphold any rule, requirement,
14 standard, or other limitation that prevents a student athlete of
15 the institution participating in intercollegiate athletics from
16 earning compensation as a result of the use of the student
17 athlete's name, image, or likeness. Earning compensation from



1 the use of a student athlete's name, image, or likeness shall
2 not affect the student athlete's scholarship eligibility.

3 **§ -3 Athletic associations; student compensation; school**
4 **eligibility.** (a) No athletic association, conference, or other
5 group or organization with authority over intercollegiate
6 athletics shall prevent a student athlete of a postsecondary
7 educational institution who is participating in intercollegiate
8 athletics from earning compensation as a result of the use of
9 the student athlete's name, image, or likeness.

10 (b) No athletic association, conference, or other group or
11 organization having authority over intercollegiate athletics
12 shall prevent a postsecondary educational institution from
13 participating in intercollegiate athletics as a result of the
14 compensation of a student athlete for the use of the student
15 athlete's name, image, or likeness.

16 **§ -4 Prospective student athletes; professional**
17 **representation.** (a) No postsecondary educational institution,
18 athletic association, conference, or other group or organization
19 having authority over intercollegiate athletics shall provide a
20 prospective student athlete with compensation in relation to the
21 student athlete's name, image, or likeness; provided that a



1 scholarship from the postsecondary educational institution in
2 which a student athlete is enrolled that provides the student
3 athlete with the cost of attendance at that institution is not
4 compensation for purposes of this section, and a scholarship
5 shall not be revoked as a result of earning compensation or
6 obtaining legal representation pursuant to this section.

7 (b) No postsecondary educational institution, athletic
8 association, conference, or other group or organization having
9 authority over intercollegiate athletics shall prevent a student
10 athlete participating in intercollegiate athletics from
11 obtaining professional representation in relation to contracts
12 or legal matters.

13 **§ -5 Athletic contracts; team contracts; conflicts;**
14 **disclosure; official team activities.** (a) No student athlete
15 shall enter into a contract providing compensation to the
16 student athlete for use of the student athlete's name, image, or
17 likeness if a provision of the contract is in conflict with a
18 provision of the student athlete's team contract.

19 (b) A student athlete who enters into a contract providing
20 compensation to the student athlete for use of the student
21 athlete's name, image, or likeness shall disclose the contract



1 to an official of the institution, to be designated by the
2 institution.

3 (c) An institution asserting a conflict described in
4 subsection (a) shall disclose to the student athlete or the
5 student athlete's attorney the relevant contractual provisions
6 that are in conflict.

7 (d) No team contract of a postsecondary educational
8 institution's athletic program shall prevent a student athlete
9 from using the student athlete's name, image, or likeness for a
10 commercial purpose when the student athlete is not engaged in
11 official team activities.

12 **§ -6 Sanction.** Any person who violates this chapter
13 shall be deemed to have engaged in an unfair or deceptive act or
14 practice pursuant to section 480-2."

15 SECTION 2. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 3. This Act shall take effect upon its approval.

19

INTRODUCED BY: _____

Sean

JAN 23 2020



H.B. NO. 2665

Report Title:

Student Athletics; Compensation

Description:

Establishes the right of postsecondary student athletes in intercollegiate athletics to receive compensation for the use of their name, image, or likeness.

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