

HOUSE BILL 1431

F1

2lr3102

By: **Delegate Walker**

Introduced and read first time: February 22, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public High Schools – Student Athletes – Compensation for Name, Image, and**
3 **Likeness**

4 FOR the purpose of providing that certain entities may not establish rules or other
5 limitations to prevent a public high school student athlete from earning
6 compensation for the use of the student athlete’s name, image, or likeness or prevent
7 certain public high schools from participating in certain interscholastic athletics
8 under certain circumstances; authorizing a public high school student athlete to
9 enter into a contract providing compensation for the use of the student athlete’s
10 name, image, or likeness if certain conditions are met; and generally relating to
11 student athlete compensation for name, image, and likeness and public high school
12 interscholastic athletics.

13 BY adding to

14 Article – Education

15 Section 7–129

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2021 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Education**

21 **7–129.**

22 **(A) IN THIS SECTION, “STUDENT ATHLETE” MEANS A HIGH SCHOOL**
23 **STUDENT WHO PARTICIPATES IN AN INTERSCHOLASTIC ATHLETIC PROGRAM AT A**
24 **PUBLIC HIGH SCHOOL IN THE STATE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) THE STATE SUPERINTENDENT, A COUNTY BOARD, OR A PUBLIC HIGH**
2 **SCHOOL MAY NOT ESTABLISH ANY RULE, REQUIREMENT, STANDARD, OR OTHER**
3 **LIMITATION THAT PREVENTS A STUDENT ATHLETE FROM EARNING COMPENSATION**
4 **FROM THE USE OF THE STUDENT ATHLETE’S NAME, IMAGE, OR LIKENESS.**

5 **(C) AN ATHLETIC ASSOCIATION OR ANY OTHER GROUP OR ORGANIZATION**
6 **WITH AUTHORITY OVER PUBLIC HIGH SCHOOL ATHLETICS, INCLUDING THE**
7 **MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION, MAY NOT:**

8 **(1) PREVENT A STUDENT ATHLETE FROM EARNING COMPENSATION**
9 **AS A RESULT OF THE USE OF THE STUDENT ATHLETE’S NAME, IMAGE, OR LIKENESS;**
10 **OR**

11 **(2) PREVENT A PUBLIC HIGH SCHOOL FROM PARTICIPATING IN HIGH**
12 **SCHOOL ATHLETICS AS A RESULT OF THE COMPENSATION OF A STUDENT ATHLETE**
13 **FOR THE USE OF THE STUDENT ATHLETE’S NAME, IMAGE, OR LIKENESS.**

14 **(D) A PUBLIC HIGH SCHOOL, AN ATHLETIC ASSOCIATION, OR ANY OTHER**
15 **GROUP OR ORGANIZATION WITH AUTHORITY OVER PUBLIC HIGH SCHOOL**
16 **ATHLETICS MAY NOT:**

17 **(1) PROVIDE A STUDENT ATHLETE WITH COMPENSATION IN**
18 **RELATION TO THE STUDENT ATHLETE’S NAME, IMAGE, OR LIKENESS; OR**

19 **(2) PREVENT A STUDENT ATHLETE FROM OBTAINING**
20 **REPRESENTATION IN RELATION TO CONTRACTS OR LEGAL MATTERS.**

21 **(E) (1) AN ATHLETIC PROGRAM CONTRACT OF A PUBLIC HIGH SCHOOL**
22 **MAY NOT PREVENT A STUDENT ATHLETE FROM USING THE STUDENT ATHLETE’S**
23 **NAME, IMAGE, OR LIKENESS FOR A COMMERCIAL PURPOSE WHEN THE STUDENT**
24 **ATHLETE IS NOT ENGAGED IN OFFICIAL TEAM ACTIVITIES.**

25 **(2) AN ATHLETIC PROGRAM CONTRACT MAY PROHIBIT A STUDENT**
26 **ATHLETE FROM ENGAGING IN IN-PERSON ADVERTISING FOR A THIRD-PARTY**
27 **SPONSOR DURING OFFICIAL AND MANDATORY TEAM ACTIVITIES WITHOUT PRIOR**
28 **APPROVAL FROM THE PUBLIC HIGH SCHOOL’S ATHLETIC DEPARTMENT.**

29 **(F) A STUDENT ATHLETE MAY ENTER INTO A CONTRACT PROVIDING**
30 **COMPENSATION TO THE STUDENT ATHLETE FOR THE USE OF THE STUDENT**
31 **ATHLETE’S NAME, IMAGE, OR LIKENESS ONLY IF:**

32 **(1) THE PROVISIONS OF THE CONTRACT ARE NOT IN CONFLICT WITH**
33 **THE PROVISIONS OF THE STUDENT ATHLETE’S ATHLETIC PROGRAM CONTRACT; AND**

1 **(2) THE STUDENT ATHLETE’S PARENT OR GUARDIAN COSIGNS THE**
2 **CONTRACT.**

3 **(G) NOTHING IN THIS SECTION MAY BE CONSTRUED TO GRANT A STUDENT**
4 **ATHLETE A RIGHT TO MAKE COMMERCIAL USE OF NAMES, TRADEMARKS, LOGOS, OR**
5 **OTHER INTELLECTUAL PROPERTY OWNED OR CONTROLLED BY A PUBLIC HIGH**
6 **SCHOOL.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2023.