

# FINAL BILL REPORT

## SB 5913

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Synopsis as Enacted

**Brief Description:** Concerning communication between employees of state institutions of higher education and student athletes regarding name, image, and likeness use.

**Sponsors:** Senators Valdez, MacEwen, Hunt and Nobles.

**Senate Committee on State Government & Elections**  
**House Committee on State Government & Tribal Relations**

**Background:** Ethics in Public Service Act. All state employees are subject to the Ethics in Public Service Act (Act). The Act, commonly known as the ethics law, generally addresses conflicts of interest, improper use of state resources, compensation for outside activities, and gifts.

The Act establishes a single code that applies to all state employees in the executive, legislative, and judicial branches of state government. Each branch has a single board responsible for enforcing the Act with respect to employees in that branch. In addition to enforcing the Act, the ethics boards promulgate interpretive rules and provide advisory opinions.

Name, Image, and Likeness. Name, image, and likeness (NIL) refers to a person's right of publicity which entitles a person to prevent unauthorized use of one's NIL by a third party for commercial benefit. The National Collegiate Athletic Association (NCAA) adopted guidelines in 2021 that allow individuals to engage in NIL activities consistent with the law of the state where the school is located.

College athletes who attend a school in a state without an NIL law can engage in NIL activity without violating NCAA rules. Institutions located in states without NIL laws were given permission to create their own NIL policies, as long as the policies prohibited NIL compensation to be used for pay-for-performance or as a recruiting inducement.

**Summary:** The Act does not prohibit the use of public resources, including but not limited

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to the use of personnel, money, and property, by an employee of a state institution of higher education to benefit any student athlete in the advising, facilitation, acknowledgment, or education related to a matter involving the NIL of such a student athlete or group of student athletes, or in relation to student athlete NIL matters generally, so long as the resources are under the control or direction of the higher education employee.

Any use of public resources must adhere to the rules established by the national, nonprofit member organization responsible for oversight of college sports at state institutions of higher education.

**Votes on Final Passage:**

Senate 47 1

House 92 2

**Effective:** June 6, 2024