CHAPTER 110

AN ACT concerning student-athletes, supplementing Title 18A of the New Jersey Statutes, and repealing P.L.2020, c.83.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:3B-89.2 "Related entity" meaning.

1. As used in this act, "related entity" includes, but is not limited to, an auxiliary services corporation, an alumni association, a foundation related to a four-year institution of higher education, or any subsidiary or affiliated entity of a four-year institution of higher education.

C.18A:3B-89.3 Student-athletes, compensation, use of own name, image, likeness.

2. a. A four-year institution of higher education shall not prohibit or prevent a student-athlete who participates in intercollegiate athletics from earning compensation as a result of the use of the student-athlete's name, image, or likeness.

b. A four-year institution of higher education or any related entity of an institution may enter into a contract with a student-athlete to directly compensate the student-athlete for use of the student-athlete's name, image, or likeness.

c. Notwithstanding the provisions of subsections a. and b. of this section to the contrary, a student-athlete participating in intercollegiate athletics who is under 21 years of age shall be prohibited from earning compensation as a result of the use of the student-athlete's name, image, or likeness in connection with any person, company, or organization related to or associated with the development, production, distribution, wholesaling, or retailing of: alcohol products, tobacco and electronic smoking products and devices, and cannabis products.

C.18A:3B-89.4 Professional representation, student-athletes.

3. a. A four-year institution of higher education shall not prohibit or prevent a student-athlete participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters including, but not limited to, representation provided by athlete agents or legal representation provided by attorneys.

b. Legal representation obtained by student-athletes shall be by licensed attorneys. Athlete agents representing student-athletes shall comply with the federal "Sports Agent Responsibility and Trust Act" (15 U.S.C. s.7801 et seq.) in their relationship with student-athletes. Licensed attorneys and athlete agents shall act in a fiduciary capacity when representing a student-athlete.

C.18A:3B-89.5 Student-athlete contracts, public disclosure.

4. Notwithstanding any other law, rule, or regulation to the contrary, any contract a student-athlete enters into providing compensation to the student-athlete for use of the student-athlete's name, image, or likeness pursuant to section 2 of this act shall not be subject to public disclosure pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act.

C.18A:3B-89.6 Prohibited actions regarding student-athletes, organizations with authority over intercollegiate athletics.

5. a. An athletic association, conference with member institutions that offer athletic scholarships, or other group or organization with authority over intercollegiate athletics including, but not limited to, the National Collegiate Athletic Association, shall not:

(1) prohibit or prevent a four-year institution of higher education from becoming a member of the association, conference, or organization, or participating in intercollegiate athletics sponsored by the association, conference, or organization, as a consequence of any student-athlete earning compensation for the use of the student-athlete's name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness;

(2) take any other adverse action against a four-year institution of higher education or any other related entity of an institution, for activity permitted pursuant to this act;

(3) penalize a four-year institution of higher education or student-athlete, or prevent a four-year institution of higher education or student-athlete from participating in intercollegiate athletics, because an individual or related entity whose purpose includes supporting or benefiting the institution or student-athletes violates its rules or regulations concerning name, image, or likeness;

(4) prevent a four-year institution of higher education from compensating a student-athlete for the use of the student-athlete's name, image, or likeness; or

(5) prevent a four-year institution of higher education or any other related entity of an institution from identifying, creating, negotiating, facilitating, supporting, engaging with, assisting with, or otherwise enabling a name, image, or likeness opportunity for a student-athlete.

b. A four-year institution of higher education or any other related entity of an institution that is subjected to any actual or threatened complaint, investigation, penalty, or other adverse action of an athletic association, conference, or other group or organization with authority over intercollegiate athletics including, but not limited to, the National Collegiate Athletic Association, for engaging in activities permitted pursuant to this act, may bring an action to recover actual damages and reasonable attorney fees and may seek injunctive relief and any other remedy available at law or in equity.

C.18A:3B-89.7 Programming, educational materials on name, image, likeness use, student-athletes.

6. In each academic year, each four-year institution of higher education shall make available to all student-athletes participating in intercollegiate athletics at the institution programming or educational materials on name, image, or likeness. The programming or educational materials shall include, but not be limited to, financial literacy; brand management; life skills; and other programming on skills necessary for success as a student-athlete.

C.18A:3B-89.8 Applicability.

7. The provisions of this act shall only apply to four-year institutions of higher education that offer athletic scholarships.

Repealer.

8. P.L.2020, c.83 (C.18A:3B-86 through 18A:3B-89) is repealed.

9. This act shall take effect immediately.

Approved July 22, 2025.