



AN ACT GENERALLY REVISING LAWS REGARDING STUDENT-ATHLETE RIGHTS AND PROTECTIONS; ELIMINATING THE PROHIBITION ON A POSTSECONDARY INSTITUTION OR ATHLETIC ASSOCIATION, CONFERENCE, OR ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE SPORTS FROM PROVIDING A PROSPECTIVE OR CURRENT STUDENT-ATHLETE COMPENSATION FOR USE OF THE STUDENT-ATHLETE'S NAME, IMAGE, OR LIKENESS; AMENDING SECTION 20-1-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 20-1-232, MCA, is amended to read:

"20-1-232. Student-athlete rights and protections -- definitions. (1) As used in this section, the following definitions apply:

(a) "Postsecondary institution" means a 2-year or 4-year public or private college or university located in the state.

(b) (i) "Student-athlete rights" means the rights of a student-athlete enrolled in a postsecondary institution to earn compensation for the use of the student-athlete's name, image, or likeness and to contract with and retain professional representation of an athlete agent.

(ii) The term does not include a right to receive compensation from a postsecondary institution.

(2) Except as provided in subsections (3) through ~~(6)~~ (5), a postsecondary institution or an athletic association, conference, or organization with authority over intercollegiate sports may not:

- (a) prohibit, prevent, or restrict a student-athlete from exercising the student-athlete's rights;
- (b) penalize or retaliate against a student-athlete for exercising the student-athlete's rights;
- (c) prohibit a student-athlete from participating in an intercollegiate sport for exercising the student-athlete's rights; or

(d) subject to subsection ~~(5)(a)~~ (4)(a), impose an eligibility requirement on a scholarship or grant that requires a student-athlete to refrain from exercising the student-athlete's rights.

(3) (a) A student-athlete may not enter into a contract that provides compensation to the student-athlete for the use of the student-athlete's name, image, or likeness if terms of the contract conflict with the student-athlete's team rules or with terms of a contract entered into between the student-athlete's postsecondary institution and a third party, except the team rules or a contract entered into between the postsecondary institution and a third party may not prevent a student-athlete from earning compensation for the use of the student-athlete's name, image, or likeness when not engaged in official team activities.

(b) A student-athlete who enters into a contract that provides compensation to the student-athlete for the use of the student-athlete's name, image, or likeness shall disclose the contract to an official of the postsecondary institution if the student-athlete is a team member or, if the student-athlete is not a team member, at the time the student-athlete seeks to become a team member.

(c) If a postsecondary institution asserts that the terms of the contract conflict with the team rules or with terms of a contract entered into between the student-athlete's postsecondary institution and a third party, the unit shall disclose the specific rules or terms asserted to be in conflict to the student-athlete or to the student-athlete's professional representative or athlete agent if the student-athlete is represented.

~~(4) A postsecondary institution or an athletic association, conference, or organization with authority over intercollegiate sports may not provide to a prospective or current student-athlete compensation for use of the student-athlete's name, image, or likeness.~~

~~(5)(4)~~ A postsecondary school may:

(a) include provisions in scholarship agreements allowing the postsecondary school to use the athlete's name, image, and likeness;

(b) prohibit the use of an athlete's name, image, and likeness on school property, at school functions, or in any advertising material distributed or placed on school property;

(c) serve as an agent for the athlete to manage any contract using an athlete's name, image, and likeness; or

(d) do any combination of subsections ~~(5)(a)~~ (4)(a) through ~~(5)(c)~~ (4)(c).

~~(6)(5)~~ Nothing in this section prohibits a postsecondary institution from establishing or enforcing a

conduct code that is applicable to all students enrolled at the unit."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 271, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2025.

Speaker of the House

Signed this _____ day
of _____, 2025.

SENATE BILL NO. 271

INTRODUCED BY E. BOLDMAN, W. GALT, S. NOVAK, C. NEUMANN, S. ROSENZWEIG, E. MATTHEWS, A.
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