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A Breakdown of Where NIL Currently Stands

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A Breakdown of Where NIL Currently Stands

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ABSTRACT. On June 21, 2021, the U.S. Supreme Court unanimously ruled that the NCAA was in violation of the Sherman Antitrust Act for restricting certain education-related benefits for student-athletes in *NCAA v. Alston*. Additionally, in his concurring opinion in *Alston*, Justice Brett Kavanaugh questioned the legality of the NCAA's refusal to pay its student-athletes, who effectively generate billions of dollars in revenue for the organization. With the threat of future litigation now likely, the NCAA quickly adopted an interim name, image and likeness (NIL) policy that allowed for student-athletes to receive financial compensation for marketing and promotional ventures. Since the adoption of this interim NIL policy, many states have proposed and passed their own NIL-related laws with varying degrees of restrictions on how student-athletes may act with respect to receiving such financial compensation. This article aims to examine the evolving NIL landscape and facilitate the recognition and understanding of each state's NIL legislation status, as well as exploring current attempts at federal NIL legislation.

BIO. Justin Cavegn graduated from Franklin & Marshall College in 2020, where he played Division III baseball and obtained a Bachelor's degree in business. He subsequently moved to Boston, where he obtained his J.D. from Northeastern University School of Law as a member of the Class of 2023. During his time in law school, Justin served as a legal intern for Star Boxing Inc., a professional boxing company, and Sportstars, Inc., an NFL player agency based in New York City. Justin also co-founded and acted as Co-President of the Sports and Entertainment Law Society and co-captained the Softball team. In his free time, Justin runs his own fantasy football Instagram account in which he offers daily content and advice for his nearly 10,000 followers.

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A BREAKDOWN OF WHERE NIL CURRENTLY STANDS

I. State-by-State Breakdown

State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
AL	Law in Effect	House Bill 76 (https://perma.cc/R9RX-UX6C)	February 3, 2022	HB76 repealed the state's original NIL law (HB404) because many Alabama institutions were disadvantaged by the legislation's presence due to heightened restrictions on recruiting.
AK	No Law	-	-	Alaska has no NIL legislation that has been passed, nor proposed. Student athletes in Alaska should look to the NCAA Interim Policies and school-specific regulations for guidance.
AZ	Law in Effect	Senate Bill 1296 (https://perma.cc/LB39-BMBH)	July 23, 2021	SB1296 prevents student-athletes from using institutional marks, and prevents schools from denying or revoking scholarships due to earned NIL compensation.
AR	Law in Effect	House Bill 1671 (https://perma.cc/UCL2-6ZR9)	January 1, 2022	HB1671 prevents student-athletes from earning NIL compensation connected to the adult entertainment industry, alcohol products, gambling and casinos,

State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
				smoking, pharmaceuticals, drug paraphernalia, and weapons.
CA	Law in Effect	Senate Bill 26 (https://perma.cc/T7LC-XH5B)	September 1, 2021	SB26 amended SB206 by accelerating the effective date of the state’s NIL legislation from January 1, 2023 to September 1, 2021. Otherwise known as the “Fair Pay to Play Act,” this statute was the first state NIL law enacted in the United States.
CO	Law in Effect	Senate Bill 20-123 (https://perma.cc/546E-J9ZB)	September 1, 2021	Similar to California, Colorado accelerated the effective date of SB20-123 from January 1, 2023 to September 1, 2021. Colorado was the second state to sign NIL regulations into law. The law allows institutions to hold on-campus agent interviews for athletes.
CT	Law in Effect	House Bill 6402 (https://perma.cc/5BWV-4CPZ)	September 1, 2021	According to SB6402, each academic institution in the state must adopt policies that require student athletes to disclose each endorsement contract they execute to the institution. SB20 was passed on May 10, 2022 and relaxes HB6402’s original

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State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
				prohibition on a student-athlete's use of institutional intellectual property.
DE	No Law	–	–	SB297 was signed into law on November 2, 2022, but is not focused on student-athlete NIL rights. Instead, SB297 governs how individuals can become, and act as, agents to athletes. Student athletes in Delaware should still look to the NCAA Interim Policies and school-specific regulations for guidance.
FL	Law in Effect	HB7B (https://perma.cc/KC5H-BKYJ)	February 16, 2023	SB646 made Florida one of the first states to sign NIL legislation into law. However, HB7B was passed on February 16, 2023 and relaxed many of SB646's original guidelines. HB7B also provided that schools, teams, and coaches were now allowed to facilitate deals for athletes. HB7B requires athletes to participate in at least two financial literacy workshops before graduating.
GA	Law in Effect	House Bill 617 (https://perma.cc/G63T-AKDM)	July 1, 2021	HB617 allows for institutions in Georgia to require their student

State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
				athletes to share up to 75% of their NIL compensation with them. The statute also requires institutions to provide its athletes with at least five hours of workshops revolving around financial literacy and life skills.
HI	No Law	–	–	Hawaii introduced HB1682 in 2020 that ultimately died in committee. Student athletes in Hawaii should look to the NCAA Interim Policies and school-specific regulations for guidance.
ID	No Law	–	–	Idaho has not passed any NIL legislation. Student athletes in Idaho should look to the NCAA Interim Policies and school-specific regulations for guidance.
IL	Law in Effect	Senate Bill 2338 (https://perma.cc/2H9D-2ZSG)	July 1, 2021	Originally, SB2338 prevented schools from helping athletes through NIL deal facilitation. SB2338 also required athletes to provide institutions with written notice and a copy of the NIL agreement within 7 days of signing. HB1175 was made effective on March 25, 2022 and

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				amended SB2338 by allowing schools to be more involved with finding deals for its athletes. HB1175 also changed the 7-day notice rule by allowing institutions to decide when an athlete must provide and report their NIL agreements.
IN	No Law	–	–	Indiana has not passed any NIL legislation. Student athletes in Indiana should look to the NCAA Interim Policies and school-specific regulations for guidance.
IA	No Law	–	–	Iowa introduced Senate File 245 on February 2, 2021 that ultimately died in chamber. Student athletes in Iowa should look to the NCAA Interim Policies and school-specific regulations for guidance.
KS	No Law	–	–	Kansas introduced HB2264 that ultimately died on Senate General Orders on May 23, 2022. Student athletes in Kansas should look to the NCAA Interim Policies and school-specific regulations for guidance.
KY	Law in Effect	Senate Bill 6	March 9, 2022	Kentucky became the first

State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
		(https://perma.cc/QL5U-TULG)		state to sign an NIL law via executive order with Executive Order 2021-418. However, SB6 was passed on March 9, 2022 and extended the Executive Order with more definite guidelines about how athletes can profit off of NIL. SB6 prohibits institutions from negotiating any part of an NIL agreement on behalf of a prospective student athlete.
LA	Law in Effect	Senate Bill 60 (https://perma.cc/A85S-YDUU)	July 1, 2021	SB 60 requires pre-approval for institutional marks use, prohibits deals with vice industries, and requires a minimum of five hours of financial literacy and life skills training for athletes at the beginning of their first and third academic years. SB250 was passed on June 10, 2022 and amended SB60 by allowing institutions and boosters to directly help student athletes enter into NIL deals.
ME	Law in Effect	Legislative Document 1893 (https://perma.cc/V8N4-6FU6)	March 31, 2022	LD1893 prohibits institutions from preventing athletes from obtaining professional

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				representation. The law specifically allows athletes to earn compensation for selling their autographs.
MD	Law in Effect	Senate Bill 439 (https://perma.cc/3ESG-W2LM)	July 1, 2023	Within a single statute, SB439 bundles both health and safety requirements and rights of publicity. This statute is also known as the “Jordan McNair Safe and Fair Play Act.”
MA	Proposed Legislation	–	–	SB2454 was introduced on January 22, 2021, but has not made it out of the House and Senate, nor has it received Governor approval. Similarly, SB2813 was introduced on April 7, 2022, but also has not made it out of the House and Senate, nor has it received Governor approval. Student athletes in Massachusetts should look to the NCAA Interim Policies and school-specific regulations for guidance.
MI	Law in Effect	House Bill 5217 (https://perma.cc/2JJR-U42X)	December 31, 2022	HB5217 prohibits athletes from wearing sponsor’s apparel during official team activities if it conflicts with the institution’s team contract. The statute also requires athletes to disclose

State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
				all proposed NIL deals to the institution at least 7 days prior to committing to the deal so that the institution can review it.
MN	Proposed Legislation	–	–	HB3329 was introduced on February 13, 2020, but has not made it out of the House and Senate, nor has it received Governor approval. Student athletes in Minnesota should look to the NCAA Interim Policies and school-specific regulations for guidance.
MS	Law in Effect	Senate Bill 2313 (https://perma.cc/HSG7-Y2JM)	July 1, 2021	SB2313 allows institutions to control what athletes wear during sponsored events and requires athletes to notify institutions of any NIL deal within 3 days of its signing. SB2690 amended SB2313 in April of 2022, allowing institutions more freedom to be involved in athletes' NIL deals.
MO	Law in Effect	House Bill 297 (https://perma.cc/8TPX-J2WZ)	August 28, 2021	HB297 requires that athletes can only be represented by attorneys or agents licensed in Missouri. SB718 was passed one year later on August 28, 2022, which amended HB297 by

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State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
				allowing schools to have more active roles in NIL activities of its students.
MT	Passed, Not in Effect	State Bill 248 (https://perma.cc/LN2P-H4DX)	June 1, 2023	SB248 does not go into effect until the summer of 2023, but the statute allows for institutions to serve as agents for the athlete to manage NIL deals. However, for now, student athletes in Montana should look to the NCAA Interim Policies and school-specific regulations for guidance.
NE	Law in Effect	Legislative Bill 962 (https://perma.cc/BHM7-TVFR)	July 1, 2023	While LB962 does not officially go into effect until the summer of 2023, the statute allows for institutions to opt-in to the statute any time before or on July 1, 2023. This statute is also known as the “Nebraska Fair Pay to Play Act.”
NV	Law in Effect	Assembly Bill 254 (https://perma.cc/K578-7A2S)	January 1, 2022	Assembly Bill 254 allows institutions to require athletes to receive specific education about how to enter into contracts. The statute also requires a committee to conduct an interim study concerning the use of the athletes’ NIL.

State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
NH	Proposed Legislation	–	–	HB1505 was introduced on June 16, 2020, but has not made it out of the House and Senate, nor has it received Governor approval. Student athletes in New Hampshire should look to the NCAA Interim Policies and school-specific regulations for guidance.
NJ	Passed, Not in Effect	Senate Bill 971 (https://perma.cc/6ESM-3V72)	August 1, 2025	Despite being one of the first states to enact NIL legislation, New Jersey's SB971 has the latest effective date of any NIL law (August 1, 2025). Until then, student athletes in New Jersey should look to the NCAA Interim Policies and school-specific regulations for guidance. This statute is also known as "The New Jersey Fair Play Act."
NM	Law in Effect	Senate Bill 94 (https://perma.cc/6AWS-9J3T)	July 1, 2021	SB94 prohibits institutions from discouraging athletes from wearing certain footwear during official, mandatory team activities as long as the footwear does not have reflective fabric or lights or pose a health risk to an athlete.
NY	Law in Effect	Senate Bill	November 21,	SBS5891F requires that all

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State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
		S5891F (https://perma.cc/J3B8-UQLE)	2022	institutions that participate in DI sports offer an assistance program to their athletes to supply them with the tools to thrive in the classroom, on the field, and in the future. SBS5891F also does not explicitly prohibit deals endorsing certain products and services like alcohol, tobacco, and gambling. This statute is known as the “New York Collegiate Athletic Participation Compensation Act.”
NC	Law in Effect	Executive Order 223 (https://perma.cc/F4WQ-SE2T)	July 2, 2021	Executive Order 223 allows institutions to impose reasonable limitations on an athlete’s ability to receive compensation for their NIL.
ND	No Law	–	–	North Dakota has not proposed nor enacted any NIL legislation. Student athletes in North Dakota should look to the NCAA Interim Policies and school-specific regulations for guidance.

State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
OH	Law in Effect	Executive Order 2021-10D (https://perma.cc/L42W-LXJB)	June 28, 2021	Executive Order 2021-10D allows schools to adapt their policies to best suit their needs in the NIL space. Athletes must disclose any proposed contracts to an official of the institution for review.
OK	Law in Effect	Senate Bill 48 (https://perma.cc/K7TC-W7ZP)	July 1, 2023	Similar to Nebraska's NIL law, Oklahoma's SB48 does not officially go into effect until the summer of 2023, but the statute allows for institutions to opt-in to the statute any time before or on July 1, 2023. SB840 was recently introduced in January of 2023, which, if passed, would amend SB48 to prohibit athletes from classifying as employees at their institutions. The proposed bill would also remove restrictions that limit NIL collectives from obtaining NIL deals for athletes.
OR	Law in Effect	Senate Bill 5 (https://perma.cc/3ENE-2SM3)	June 29, 2021	SB5 prohibits athletes from having an agent who represented a post-secondary institution of education at any time in the preceding four years. SB5 also allows institutions

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State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
				to establish or enforce a conduct code applicable to all students enrolled at the institution. SB1505 was made effective on July 1, 2022, which amended SB5 by requiring that individuals who create college sports team jerseys, video games or trading cards for profit make a royalty payment to the relevant athlete for the use of their NIL.
PA	Law in Effect	Pennsylvania House Bill 2633 (https://perma.cc/7KX5-QD3C)	November 3, 2022	SB381 was made effective on July 1, 2021. However, in November of 2022, HB2633 amended SB381 by allowing schools to arrange NIL deals for their athletes. HB2633 also removed the requirement that athletes must share their NIL deals with the institution at least seven days prior to signing.
RI	Proposed Legislation	–	–	HB6673 was introduced on January 6, 2022, but died in committee. Student athletes in Rhode Island should look to the NCAA Interim Policies and school-specific regulations for guidance.
SC	No Law	–	–	SB685 was made effective

State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
				on July 1, 2021. SB685 prohibits institutions from directly or indirectly facilitating NIL deals for athletes. However, similar to Alabama, South Carolina suspended their NIL statute in June of 2022. Therefore, student athletes in South Carolina should look to the NCAA Interim Policies and school-specific regulations for guidance.
SD	No Law	–	–	South Dakota has not proposed nor enacted any NIL legislation. Student athletes in North Dakota should look to the NCAA Interim Policies and school-specific regulations for guidance.
TN	Law in Effect	House Bill 2249 (https://perma.cc/SX3N-HDQ5)	April 20, 2022	HB1351 was made effective on January 1, 2022. However, HB2249 was made effective on April 20, 2022 and amended HB1351 by allowing college coaches to attend NIL events, universities to fundraise for NIL collectives, and NIL representatives to make presentations on campus to recruits and players.
TX	Law in Effect	Senate Bill 1385	July 1, 2021	SB1385 prevents student-

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State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
		https://perma.cc/6NYD-744X		athletes from using school logos and requires athletes to attend financial literacy workshops for at least 5 hours prior to taking advantage of NIL deals. SB1385 also requires any NIL deal to comply with the student athlete's university honor code.
UT	No Law	–	–	Utah has not proposed nor enacted any NIL legislation. Student athletes in Utah should look to the NCAA Interim Policies and school-specific regulations for guidance.
VT	Proposed Legislation	–	–	SB S.328 was introduced on January 21, 2020, but has not made it out of the House and Senate, nor has it received Governor approval. Student athletes in Vermont should look to the NCAA Interim Policies and school-specific regulations for guidance.
VA	Law in Effect	Senate Bill 223 (https://perma.cc/NZ8V-R9NB)	July 1, 2022	SB223 requires athletes to receive permission from their institution before using an institution's facilities, apparel, equipment, uniforms, or intellectual property,

State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
				including logos, indicia, registered and unregistered trademarks, and products protected by copyright to receive compensation from NIL deals.
WA	Proposed Legislation	–	–	HB1084 was introduced on January 3, 2019, but died in committee. SB5942 was introduced on January 25, 2022, but also died in committee. Student athletes in Washington should look to the NCAA Interim Policies and school-specific regulations for guidance.
WV	Proposed Legislation	–	–	HB2583 was introduced on February 17, 2021, but died in committee. Student athletes in West Virginia should look to the NCAA Interim Policies and school-specific regulations for guidance.
WI	No Law	–	–	Wisconsin has not proposed nor enacted any NIL legislation. Student athletes in Wisconsin should look to the NCAA Interim Policies and school-specific regulations for guidance.

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State	NIL Status	Governing Law (Link)	Effective Date (If Applicable)	Unique Notes
WY	No Law	-	-	Wyoming has not proposed nor enacted any NIL legislation. Student athletes in Wyoming should look to the NCAA Interim Policies and school-specific regulations for guidance.

A. State Breakdown by NIL Status

NIL Status	Number of States	Specific States
No laws	13 States	AK, DE, HI, ID, IN, IA, KS, ND, SC, SD, UT, WI, WY
Law In Effect	28 States	AL, AR, AZ, CA, CO, CT, FL, GA, IL, KY, LA, ME, MD, MI, MO, MS, NC, NE, NM, NV, NY, OH, OK, OR, PA, TN, TX, VA
Proposed Legislation	7 States	MA, MN, NH, RI, VT, WA, WV
Law Passed, Not In Effect	2 States	MT, NJ

II. Proposed Federal Legislation

Federal Proposal	Sponsor	Intro Date	Status	Notes
Student-Athlete Equity Act (https://perma.cc/8BBZ-42F6)	Rep. Mark Walker (R-NC)	Mar-2019	Dead	The Student-Athlete Equity Act would have prohibited amateur sports organizations (like the NCAA) from restricting athletes' use of their NIL for compensation. The Act died on December 31, 2020.
Fairness in Collegiate Athletics Act (https://perma.cc/N573-E3S2)	Senator Marco Rubio (R-FL)	Jun-2020	In Progress	The Fairness in Collegiate Athletics Act would be relatively NCAA friendly and would: (1) allow the NCAA the freedom to implement NIL policies but must do so at least one day before July 1, 2021; (2) offer the NCAA a safe

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Federal Proposal	Sponsor	Intro Date	Status	Notes
				<p>harbor from lawsuits and would be afforded an antitrust exemption;</p> <p>(3) allow athletes the ability to be represented by agents, subject to the Sports Agent Responsibility and Trust Act (“SPARTA”), and must disclose the contracts; and</p> <p>(4) put the FTC in charge of enforcing violations.</p>
<p>College Athlete Bill of Rights https://perma.cc/E7F2-YZU2)</p>	<p>Senator Cory Booker (D-NJ) Senator Richard Blumenthal (D-CT) Senator Kirsten Gillibrand (D-NY) Senator Brian Schatz (D-HI)</p>	<p>Dec-2020</p>	<p>In Progress</p>	<p>The College Athlete Bill of Rights is likely the most player-friendly proposal so far whereby:</p> <p>(1) athletes would be able to earn compensation from NIL, group licensing deals, and enter revenue-sharing agreements with universities, conferences, and athletic associations;</p> <p>(2) there would be no penalties if a player wanted to move schools (open free agency);</p> <p>(3) an “oversight panel” of experts would be created, who would create a baseline of rules governing college athletics;</p> <p>(4) athletes would receive “lifetime scholarships” so they could return to school to finish their degree after their athletic eligibility ends; and</p>

Federal Proposal	Sponsor	Intro Date	Status	Notes
				(5) athletic departments would be required to provide annual detailed reports of revenues and expenses.
Collegiate Athlete and Compensatory Rights Act (https://perma.cc/A7CN-KN4E)	Senator Roger Wicker (R-Miss)	Dec-2020 Sep-2022	In Progress	The Collegiate Athlete and Compensatory Rights Act would restrict boosters from paying to use an athletes' NIL and the FTC would choose a private, nonprofit group to oversee the NIL landscape and future rules. The Act stalled in committee and was reintroduced in September of 2022.
Amateur Athletes Protection and Compensation Act of 2021 (https://perma.cc/9A6D-CNJA)	Senator Jerry Moran (R-Kansas)	Feb-2021	In Progress	The Amateur Athletes Protection and Compensation Act of 2021 would prohibit the NCAA, athletic conferences, or schools from rendering a college athlete ineligible due to entering into a contract or receiving compensation for NIL rights.
College Athlete Economic Freedom Act (https://perma.cc/XF52-Z5KD)	Senator Chris Murphy (D-Conn) Rep. Lori Trahan (D-Mass)	Feb-2021	In Progress	The College Athlete Economic Freedom Act would be the only Act to not give the NCAA the ability to regulate the products athletes endorse. It would require that a school or conference must provide all

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Federal Proposal	Sponsor	Intro Date	Status	Notes
				athletes the same assistance in taking advantage of NIL rights. The federal government would have an obligation to create an annual report assessing the NIL industry, dividing data by race, gender, and sport in order to analyze this new marketplace.
Student-Athlete Level Playing Field Act (https://perma.cc/FG8B-57BM)	Rep. Anthony Gonzalez (R-OH) Rep. Emanuel Cleaver (D-MO)	Apr-2021	In Progress	The Student-Athlete Level Playing Field Act would: (1) allow athletes to enter into NIL contracts, unless the deal might harm the athlete’s reputation (alcohol or tobacco); (2) clarify that athletes are not considered employees and that universities cannot provide NIL compensation to athletes; and (3) form a committee with NIL stakeholders and athletes that would study the logistics of NIL and provide legislative recommendations to Congress.