NCAA Tentatively Plans Vote on Name, Image, and Likeness Legislation

By Curry Sexton and Greg Whiston

After delaying a vote on name, image, and likeness (“NIL”) legislative proposals that was scheduled to take place at the NCAA Convention in January, the NCAA Division I Council has tentatively scheduled a vote on the NIL proposals at an upcoming June 22-23 meeting, “provided it is feasible to do so.”

It has long been expected that the NCAA would make a strong effort to enact uniform NIL rules that would become effective as early as July 1, 2021. When the calendar flipped to 2021, several individual states – namely, California, Colorado, Florida, New Jersey, and Nebraska – had already passed their own NIL legislation. However, Florida was the only state whose law was set to take effect in 2021 (July 1, 2021, to be exact).

Over the last few months, while many have waited on the NCAA to progress toward uniform NIL legislation, a slew of other individual states – specifically, Alabama, Georgia, Mississippi, and New Mexico – have passed NIL legislation that will also take effect on or around July 1, 2021. Once the laws of these five states (and potentially others) take effect on July 1, 2021, assuming uniform NIL legislation is not passed, collegiate athletes within those states will be permitted to monetize their NIL, while collegiate athletes from the other 45 states will not be afforded the same opportunity.

The NCAA’s stated goal is to provide consistency across the board and to enable all student-athletes to monetize their NIL, rather than just the student-athletes in the five states whose laws will soon take effect and the others who will take effect at some point in the future. The NCAA said on May 19, “Having the legislation in place by July 1 would provide greater consistency in the name, image and likeness opportunities available to student-athletes nationally as state laws become effective on or around July 1.”

We can be certain that the NIL landscape will soon be changing, though it is not as clear as to how,

exactly, it will be changing.

Stay tuned for updates as the issue of NIL rights continues to develop.

The authors of this article, Curry Sexton and Greg Whiston, are members of Seigfreid Bingham's Sports and Entertainment Group and routinely represent clients in collegiate athletics. If you or your organization have questions about the impact of the NCAA's most recent announcement, please contact either author at 816-421-4460.

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