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# OHIO LEGISLATIVE SERVICE COMMISSION

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Office

**H.B. 184**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

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**Version:** As Reported by Senate Judiciary

**Primary Sponsors:** Reps. Stewart and T. Mathews

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### SUMMARY

- Prohibits any person from entering into a contract with an intercollegiate athlete that compensates the athlete for the athlete's name, image, or likeness (NIL) if it remains in effect or requires the athlete to provide future compensation or rights associated with the use of the athlete's NIL after the athlete's intercollegiate athletic eligibility ends.
- Prohibits any person from entering into a contract with an intercollegiate athlete that compensates the athlete for the athlete's NIL if it requires any litigation, arbitration, or other dispute resolution process arising from the contract to occur in another state.
- Requires a contract that provides an intercollegiate athlete with compensation for use of the athlete's NIL to require any litigation, arbitration, or other dispute resolution process arising from the contract to take place in Ohio and be governed by Ohio law.
- Requires the parties to any NIL contract involving an intercollegiate athlete who transfers to an Ohio institution from another state to ensure that the contract continues at the new institution.
- Prohibits an athlete agent from entering into a fee agreement that requires an athlete to provide future compensation or rights associated with the use of the athlete's NIL after the athlete's intercollegiate athletic eligibility ends.
- Prohibits an athlete agent from entering into an agent contract under which the athlete agent represents an athlete in relation to contracts or legal matters regarding opportunities to earn compensation for use of the athlete's NIL if the agent contract remains in effect after the athlete's intercollegiate athletic eligibility ends.
- Specifies that NIL includes "personal services."
- Applies the bill to contracts and agreements entered into on or after the bill's effective date.

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## DETAILED ANALYSIS

### Contracts with intercollegiate athletes

The bill prohibits persons and athlete agents from entering into certain types of contracts with an intercollegiate athlete that involve the use of the athlete's name, image, or likeness (NIL).

The bill specifies that, for purposes of the law governing intercollegiate athlete NIL, "NIL" includes "personal services." "Personal services" means services performed by an intercollegiate athlete to which both of the following apply:

- The services are nondelegable obligations for which the athlete cannot substitute another individual to fulfill the duties agreed upon by the athlete under the contract, and the services must be rendered personally by that athlete;
- The services involve skill-based or talent-based performance by the athlete, and the contract is formed due to the athlete's specific athletic ability, status as an athlete, public persona, or brand recognition.<sup>1</sup>

Under current law, NIL is not defined, so it is unclear whether personal services may be covered under NIL.

### Contracts for use of an athlete's NIL

The bill prohibits any person from entering into a contract with an intercollegiate athlete that compensates the athlete for the use of the athlete's NIL if the contract:

- Remains in effect beyond the date the athlete is no longer eligible to participate in intercollegiate athletics;
- Requires the athlete to provide as consideration:
  - Any compensation the athlete may earn after the athlete is no longer eligible to participate in intercollegiate athletics for use of the athlete's NIL; or
  - Rights associated with the use of the athlete's NIL after the athlete is no longer eligible to participate in intercollegiate athletics.
- Requires any litigation, arbitration, or other dispute resolution process arising from the contract to occur in another state.

Additionally, a NIL contract must require any litigation, arbitration, or other dispute resolution process arising from the contract to take place in Ohio and be governed by Ohio law. The bill also requires the parties to a NIL contract involving an intercollegiate athlete who transfers to an Ohio institution from another state to ensure that the contract continues at the new institution.

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<sup>1</sup> R.C. 3376.01, with conforming changes in R.C. 4771.021 and 4771.12.

The parties to any NIL contract must ensure that contract complies with the bill's provisions discussed above. A contract entered into on or after the bill's effective date in violation of the provisions discussed above is void.<sup>2</sup>

### **Athlete agent prohibitions**

The bill prohibits an athlete agent from entering into a fee agreement that requires an intercollegiate athlete to provide as consideration:

- Any compensation the athlete may earn after the athlete is no longer eligible to participate in intercollegiate athletics for use of the athlete's NIL; or
- Rights associated with the use of the athlete's NIL after the athlete is no longer eligible to participate in intercollegiate athletics.<sup>3</sup>

An athlete agent also cannot enter into an agent contract with an athlete under which the athlete agent represents the athlete in relation to contracts or legal matters regarding opportunities to earn compensation for use of the athlete's NIL if the agent contract remains in effect beyond the date the athlete is no longer eligible to participate in intercollegiate athletics.<sup>4</sup> Any agent contract entered into on or after the bill's effective date in violation of this prohibition is void.<sup>5</sup>

An agent contract under continuing law is any contract under which an athlete authorizes an athlete agent to:

- Market, or enter an agreement to market, an athlete or an athlete's reputation;
- Negotiate or solicit an agreement with a professional sports team for the athlete's employment with the team; or
- Negotiate or solicit an agreement for the athlete's employment as a professional athlete.<sup>6</sup>

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## **HISTORY**

Action	Date
Introduced	03-18-25
Reported, H. Workforce and Higher Education	05-14-25
Passed House (90-0)	05-14-25
Reported, S. Judiciary	10-29-25

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<sup>2</sup> R.C. 3376.14 and Section 3.

<sup>3</sup> R.C. 4771.12.

<sup>4</sup> R.C. 4771.021.

<sup>5</sup> R.C. 4771.04, not in the bill, and Section 3.

<sup>6</sup> R.C. 4771.01, not in the bill.